

## Status of Foreign Nationals in Algerian Territory

Merad Malika <sup>1</sup>

<sup>1</sup> Faculty of Law, University of Algiers 1, Laboratory of Family Law, Algeria  
Email: [m.merad@univ-alger.dz](mailto:m.merad@univ-alger.dz)

**Abstract**---Enter Foreign nationals may enter Algerian territory legally through designated border points specified by law: via land at recognized border crossings, by sea through ports that accommodate foreign civilian vessels, and by air through airports that handle international flights. Entry at non-designated points due to exceptional circumstances such as an emergency landing or for asylum requires the foreign national to immediately present themselves to the nearest security authority or border center to facilitate the requisite procedures. Unauthorized entry is considered irregular and subject to legal sanctions.

**Keywords**---Enter Foreign nationals, enter irregular, enter Algerian territory legally.

### 1. Introduction

The administrative status of foreign nationals in Algeria is regulated under Law 08-11 dated June 25, 2008 (Law No. 08-11 , 2008), its implementing decrees, and applicable decisions. Principally, the entry of foreign nationals is subject to the discretionary powers of administrative and security agencies, ensuring safety and public order. Foreign nationals must possess legally specified documents to enter Algeria, and visa-granting authorities, as well as border police, may collect fingerprints and personal photographs, or iris scans in certain jurisdictions, for security reasons.

### 2. Legal Entry of Foreign Nationals into Algerian Territory

Border control is tasked with monitoring the entry of foreign nationals at designated checkpoints. They maintain a database of foreign nationals who are deported, expelled, or otherwise barred, and manage security-related judicial measures. Authorities at international border posts verify each entrant's identity and document legitimacy, including visa validity.

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#### How to Cite:

Malika, M. (2025). Status of foreign nationals in Algerian Territory. *The International Tax Journal*, 52(5), 2503–2513. Retrieved from <https://internationaltaxjournal.online/index.php/itj/article/view/260>

The International tax journal ISSN: 0097-7314 E-ISSN: 3066-2370 © 2025

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Submitted: 19 February 2025 | Revised: 10 August 2025 | Accepted: 17 September 2025

## **2.1 Mandatory Documentation for Entry into Algerian Territory**

Algerian law mandates that foreign nationals possess specific documents to enter the territory. As outlined in Article 4(2) of Law No. 08-11: "A foreign national must hold a valid passport, visa, and, where necessary, the appropriate administrative permits for residency."

Additionally, Article 7 stipulates: "Every foreign national arriving in Algeria must present at the border control a passport issued by their country or any other valid travel document recognized by the Algerian state, stamped with a visa where required, along with a health booklet in accordance with international health regulations." (Law No. 08-11 , 2008)

### **2.1.1 Valid Passport or Equivalent Document**

During visa applications, the availability of these documents is verified.

#### **a) Passport**

A passport is an officially recognized international document, most commonly used for travel between countries, issued by the state's administrative authority or a diplomatic body abroad. It verifies the identity of its holder and grants freedom of movement. Passports are generally issued to citizens, with some exceptions where international organizations or states issue passports to non-citizens based on permanent residence, such as the passports issued to Palestinian refugees by Syria, Jordan, and Egypt (Zerouti, 2016, p. 126)

Law No. 14-03 (Law No. 14-03, 2014) on travel documents further regulates the issuance of passports. Article 6 of this law provides:

A passport is an individual travel document issued without age restriction to any citizen, provided they have not been definitively convicted of a felony and have not been rehabilitated. The passport serves as proof of both identity and nationality, enabling its holder to leave and re-enter national territory in accordance with the applicable legislative and regulatory framework.

Additionally, Article 2 of the same law mandates that all Algerian citizens traveling abroad must hold a valid passport. Depending on the category of the bearer, passports may be classified as ordinary, diplomatic, or service passports. The standard validity period is ten years from the date of issuance, non-renewable. For minors under 19, biometric electronic passports are issued with a validity period of five years, as stipulated in Article 8 of the law.

For Algerians residing abroad but lacking permanent residence in a foreign country, consular authorities may issue a *laissez-passer*, which functions as a temporary travel permit allowing the holder to return to Algeria in the absence of a valid passport or in the event of its loss.

Algerian law mandates that foreign nationals' passports remain valid for at least six months at the time of entry into the country.

#### **b) Travel Document**

A travel document is an officially recognized document with specific features issued to political refugees or stateless individuals by the state granting them legal residence. This document is provided for humanitarian reasons, as refugees often lack diplomatic protection from their home countries, and stateless individuals cannot acquire passports from states to which they do not belong. The Geneva Convention of 1951 and the New York Convention of 1954 on Stateless Persons provide for the issuance of travel documents to these groups (Decree No. 64-173 , 1964).

#### **c) Laissez-Passer**

A *laissez-passer* is a temporary document that facilitates international travel for those without a passport or those who have lost it, issued by the state where the foreign national is located, allowing their return to their home country.

#### **d) Health Booklet**

Required during infectious disease outbreaks, this document verifies vaccinations in accordance with international health regulations, as stated in Article 7.

### e) Proof of Financial Means

Foreign nationals must demonstrate sufficient financial resources to avoid becoming a public charge during their stay, limited to 90 days as typically allowed by a visa. Documentation can include cash, checks, or bank statements. A certificate of accommodation suffices for those staying with family.

## 2.2 Entry Visa by the Competent Algerian Authorities

Under Algerian law, the authority to issue entry visas is vested in the country's accredited diplomatic and consular missions located in the foreign applicant's country of residence. A visa is formally granted through the placement of an official stamp or visa sticker in the applicant's passport, signifying authorization to enter Algerian territory. The visa explicitly states its validity period, the authorized duration of stay, and the issuing authority.

### 2.2.1 Categories of Entry Visas

Algerian law classifies entry visas into three primary categories, each serving distinct legal and administrative purposes:

#### A. Consular Visa

Consular visas are issued by Algerian diplomatic and consular representations abroad and are subdivided into the following types:

1. **Short-Term Visa (Consular Visa):** Commonly referred to as a consular visa, this category is granted to foreign nationals who do not intend to establish residence in Algeria. Issued by Algerian embassies and consulates in the applicant's country of residence, it authorizes a temporary stay in Algeria for purposes such as tourism or family visits. The visa's validity and the maximum duration of stay—ordinarily capped at 90 days—are determined by the issuing authority in accordance with Article 10 of Law No. 08-11 and Article 5 of (Decree No. 66-212, 1966). Where necessary, the visa may be renewed once for an additional period not exceeding 90 days, provided that the applicant does not intend to establish residence, as stipulated in Article 13 of Law No. 08-11. Foreign nationals visiting Algeria for family reasons may be issued a family visit visa, which is granted upon submission of a certificate of accommodation issued by an Algerian citizen or a legally resident foreign national hosting the visitor.
2. **Transit Visa:** Aimed at travelers passing through Algeria en route to another destination, the transit visa applies to foreign nationals transiting through Algerian airports and seaports. Holders are restricted to designated transit areas and may not proceed beyond immigration control into Algerian territory. This visa also applies to foreign aircraft crew members whose professional duties require periodic entry into Algerian airspace and access beyond the immediate transit zones.

Additionally, a land transit visa may be issued to foreign nationals traveling overland through Algeria, provided they hold a valid visa for their final destination. The maximum duration of stay under a transit visa is seven days, with a one-time exceptional extension permitted under Article 14 of Law No. 08-11. This visa may also be issued as a multiple-entry permit valid for up to six months, particularly for truck drivers and commercial transport operators who frequently traverse Algerian land borders as part of their professional duties.

#### B. Regularization Visa

Under Article 12 of Law No. 08-11, border police are exceptionally authorized to issue a regularization visa to foreign nationals arriving in Algeria without a valid entry visa, provided that urgent or unforeseen circumstances justify their admission. The law states: "In urgent cases, border police may, on an exceptional basis, grant a regularization visa to a foreign national who arrives at a border post without a visa. The validity period of this visa is determined by regulation."

This visa is granted exclusively in exceptional circumstances and serves as a substitute for a consular visa. It applies primarily to:

- Foreign nationals whose home countries do not maintain diplomatic or consular representation

in Algeria;

- Individuals who, due to compelling humanitarian reasons or ignorance of Algerian entry requirements, arrive at the border without the necessary visa but can demonstrate good faith in their circumstances.

Upon issuing a regularization visa, border police are required to immediately notify the relevant administrative authorities. Unlike consular visas, this visa is valid for a maximum of three months and cannot be renewed, as explicitly stated in Article 7 of Decree No. 66-212.

### **C. Temporary Shore Leave Permit (Seaman's Pass)**

A temporary shore leave permit is granted to foreign ship and aircraft crew members who are stationed in Algeria for a limited period. Rather than remaining confined to their vessel or aircraft during stopovers, these individuals are permitted to enter Algerian territory for tourism and recreational purposes. The permit is issued by border police and remains valid for a period ranging from two to seven days.

### **D. Exit and Re-Entry Visa**

The exit and re-entry visa is a legal authorization granted to foreign nationals residing in Algeria who intend to leave the country temporarily and return to complete the remainder of their permitted residence period. Although not explicitly named in (Decree No. 66-212, 1966), its existence is implied in Article 21, which references a fee of 5 Algerian dinars for an exit and re-entry visa, thereby indicating its necessity for foreign residents who wish to return after temporary absence.

Additionally, Article 21 of (Law No. 08-11, 2008) grants the Foreigners' Affairs Office the authority to approve temporary departures for resident foreign nationals. However, the law stipulates that a foreign resident who remains outside Algeria for a continuous period of one year will automatically forfeit their residence status. This provision highlights the requirement for resident foreigners to notify the Foreigners' Affairs Office of any planned travel abroad and to obtain prior authorization for temporary departure. Failure to return within the prescribed one-year period results in the revocation of their residency rights.

Unlike standard entry visas, the exit and re-entry visas are issued by the Foreigners' Affairs Office in the applicant's place of residence, rather than by Algerian embassies or consulates abroad (Zerouti, 2016, p. 133).

### **E. Special Visa Categories**

Special visas are granted to individuals who occupy high-ranking positions in their home countries or hold roles equivalent to senior government officials. These visas are also extended to individuals whom the issuing state classifies within this category. The validity period for such visas varies, typically three months, six months, or up to two years, as stipulated in paragraph 2 of Article 5 bis of the amended decree. Notably, these visas are not explicitly regulated under (Law No. 08-11, 2008) but are instead governed by executive decrees.

#### **1. Diplomatic Visa**

The diplomatic visa is issued to foreign nationals who qualify for diplomatic status under international norms of diplomatic and consular law. It applies specifically to members of the diplomatic and consular corps who are entitled to diplomatic immunity. The Algerian legal framework explicitly recognizes this category, as outlined in (Decree No. 66-212, 1966) (as amended and supplemented). Article 5 bis 1 of this decree states:

"A diplomatic visa, service visa, or courtesy visa shall be granted respectively to holders of a valid diplomatic passport, service passport, or ordinary passport."

#### **2. Mission Visa**

The mission visa is designated for state representatives and high-ranking officials who travel for official governmental assignments. It is exclusively issued to individuals who hold special passports and whose

positions within their respective administrations warrant such recognition. The granting of a mission visa takes into account the applicant's governmental status and the nature of their official duties.

### **3. Courtesy Visa**

A courtesy visa is reserved for individuals who hold ordinary passports but occupy distinguished positions in their home states or within international institutions, including state representatives attending international conferences, senior officials in international organizations and specialized agencies, and high-ranking government figures recognized as such by the issuing authority. The amendments introduced under Presidential Decree No. 03-251 of 19 July 2003, which modified Decree No. 66-212 (Presidential Decree No. 03-251, 2003), provide a detailed classification of visa types according to their intended purpose. Beyond diplomatic, courtesy, and service visas, the decree enumerates additional visa categories tailored to specific professional, economic, and social needs, including press visas, tourist visas, business visas, student visas, work visas, temporary work visas, family visas, medical visas, cultural visas, and group visas.

### **2.3 Prohibition of Entry into Algerian Territory**

Algerian border control authorities maintain comprehensive watchlists at international crossing points, ensuring that individuals flagged as prohibited from entry are identified and subjected to the necessary enforcement measures upon arrival. These lists include individuals whose entry poses a threat to national security, as well as those who have previously been deported or expelled for misconduct. Notably, the issuance of a visa does not create an absolute right to enter or remain in Algeria. Pursuant to Article 5 of (Law No. 08-11 , 2008), the Minister of the Interior and the competent regional governor (wali) retain discretionary authority to deny entry, even to individuals holding valid visas, when considerations of public order, state security, or Algeria's vital interests so require.

### **2.4 Visa Exemptions for Certain Foreign Nationals**

Enter Visa exemption policies in Algeria are shaped by bilateral and multilateral agreements, diplomatic considerations, and principles of reciprocity. Article 11 of (Law No. 08-11 , 2008) outlines specific categories of foreign nationals exempt from the consular visa requirement:

"The following categories of foreign nationals are exempt from the consular visa requirement:

- a) Foreign nationals aboard vessels docked at an Algerian port.
- b) Foreign seafarers employed on vessels docked at an Algerian port who are granted shore leave in accordance with maritime agreements ratified by Algeria.
- c) Foreign nationals transiting Algerian airspace.
- d) Foreign crew members of aircraft making a stopover at an Algerian airport.
- e) Foreign nationals benefiting from the provisions of international agreements or reciprocal visa waiver arrangements."

A close analysis of this provision suggests that the exemptions in paragraphs 1, 3, and 4 are largely procedural, as they apply to individuals who do not physically enter Algerian territory or remain within the international transit areas of Algerian airports.

By contrast, paragraph 2 introduces a shore leave visa in place of a consular visa, allowing crew members of foreign vessels or aircraft stationed at Algerian ports or airports to enter Algerian territory for a limited period. This visa, issued by border authorities, is typically valid for two to seven days. The most legally significant exemption is outlined in paragraph 5, which provides visa waivers for nationals of certain countries based on Algeria's international commitments, geopolitical interests, or reciprocal agreements. In such cases, eligible foreign nationals may enter Algeria without a visa, provided they hold a valid passport issued by the designated country. The permitted stay under this exemption generally does not exceed three months.

In certain instances, visa exemptions may extend beyond passport requirements, allowing foreign nationals to enter Algeria using only a national identity card. This practice is widely implemented within

the European Union and the Gulf Cooperation Council (GCC), where nationals and long-term residents of member states are permitted cross-border mobility without a passport.

However, the visa exemption under paragraph 5 of Article 11 does not confer broader rights, such as residency, employment, or professional activity, unless expressly provided for under the relevant agreement. In the absence of such provisions, the foreign national must comply with Algeria's legal framework for residence and work authorization (Zerouti, 2016).

Furthermore, a foreign national previously deported from Algeria is barred from re-entering without a visa, even if their home country has a visa waiver agreement with Algeria. Algerian law also grants broad discretionary powers to the competent administrative authorities, allowing them to prohibit entry to specific individuals on grounds of national security or public order, even where visa exemption agreements exist. This discretion extends to cases where a foreign national's home country has a visa waiver agreement or allows short-term visa-free stays (up to 15 days), subject to the submission of supporting travel documents.

### **3. Lawful Departure of Foreign Nationals from Algerian Territory**

A foreign national admitted into Algeria under a temporary residence permit is legally required to leave the country upon the expiration of their authorized stay, as stipulated in their entry visa or residence card. This obligation applies equally to short-term visitors and residence permit holders. Article 6 of (Law No. 08-11, 2008) explicitly states:

"A foreign national must leave Algerian territory immediately upon the expiration of their visa, residence permit, or the legally authorized period of stay."

Similarly, Article 9 of the same law affirms:

"A non-resident foreign national, provided their stay in Algeria is lawful, may leave the country in accordance with the applicable legislation and regulations."

#### **3.1 The Departure of Foreign Nationals from Algeria**

Foreign nationals may exit Algeria voluntarily at the end of their authorized stay or may be subject to removal measures if they have violated immigration regulations or pose a risk to public order or national security. Unlawful entry into Algeria automatically renders the individual subject to expulsion.

##### **3.1.1 Voluntary Departure**

A voluntary departure occurs when a foreign national leaves Algeria in compliance with legal requirements, either by departing within the timeframe permitted under their visa or approved extension, or by departing as a legal resident upon meeting the necessary administrative requirements. Foreign nationals exiting Algeria must do so through designated border points, where security clearance and passport verification procedures are carried out. Their departure is recorded by border control authorities, ensuring compliance with exit procedures.

Algeria has concluded bilateral agreements with Tunisia, Morocco, and Libya, facilitating hassle-free return for nationals of these countries. Under these agreements, non-resident nationals of these countries may exit and re-enter Algeria by simply presenting a valid passport. Resident nationals may do so by presenting a valid residence permit, subject to compliance with public security regulations.

For foreign nationals holding an expired residence permit or whose residence status is no longer valid, final departure procedures must be followed. Such individuals are required to obtain a final exit visa, which serves as formal authorization to leave the country. This visa is issued by the Foreigners' Affairs Office in the relevant Wilaya (province) of residence. These conditions are codified under Article 29 of (Decree No. 66-212, 1966)(as amended and supplemented), which provides: "The exit visa shall be issued by the competent currency affairs officer responsible for the foreign national's place of residence, upon submission of the required documents, particularly the residence card and fiscal clearance certificate."

The exit visa requirement ensures that foreign residents fulfill all outstanding legal and financial obligations before departure, including outstanding taxes owed to the state, unpaid social security contributions, and rental arrears for state-owned housing, if applicable.

### **3.1.2 Involuntary Departure**

Foreign nationals must be able to provide documentation proving their legal status upon request by competent authorities, in accordance with Article 25 of Law No. 08-11. Algerian security forces conduct routine inspections to enforce compliance with immigration laws, particularly in areas with a high concentration of foreign nationals or heightened public security concerns. If a foreign national is found to be in irregular status, engaged in serious violations of public order, or if urgent circumstances necessitate immediate action, removal procedures may be initiated.

There are two primary legal mechanisms governing the removal of foreign nationals:

#### **A. Judicial Removal Procedures**

Judicial removal involves criminal prosecution of foreign nationals who violate immigration regulations. This includes both the individual in violation and any person who facilitates or aids their unlawful stay or activities, in accordance with Law No. 08-11.

#### **B. Administrative Removal Procedures**

Administrative removal consists of a series of measures taken against a foreign national who is unlawfully present in Algeria, leading to their forcible removal from the country. If a foreign national's residence was initially lawful but their presence is later deemed to pose a serious threat to public order, or if urgent national security concerns arise, the authorities may issue an expulsion order, which may be contested before a competent court, though filing an appeal does not suspend its enforcement. If a foreign national was previously in lawful status but became irregular, or if they entered Algeria unlawfully, their presence is considered illegal from the outset, and in such cases, authorities may immediately remove them from the country and expel them to the border.

### **3.2 Legal Mechanisms for the Removal of Foreign Nationals from Algerian Territory**

The removal of foreign nationals from Algeria is governed by several legal mechanisms, each serving distinct purposes within the framework of national security and public order. These include expulsion, a security-driven administrative measure imposed on foreign nationals whose presence is deemed a threat, as well as deportation and forced repatriation to the border, which are undertaken in cases of unlawful entry or loss of legal status.

#### **3.2.1 Distinctions Among Expulsion and Related Legal Measures**

Expulsion, as a legal instrument, is characterized by its administrative nature, possessing significant legal and political ramifications. It is specifically enacted under the discretionary power of the administrative authority and is defined as a directive compelling a foreign national, whose presence has become untenable due to public order or security concerns, to leave the national territory. Non-compliance with this directive necessitates enforced removal, typically implemented on an individual basis.

Expulsion must be distinguished from extradition, which involves the transfer of a foreign national—but never an Algerian citizen—to another state where they are either facing prosecution or serving a judicial sentence. Unlike expulsion, which is a unilateral administrative measure, extradition is a legal process governed by bilateral or multilateral treaties, requiring formal diplomatic and judicial procedures.

Furthermore, expulsion differs fundamentally from exile, a practice historically employed by colonial regimes to displace indigenous populations within colonized territories. In modern administrative law, expulsion targets legally residing foreign nationals deemed undesirable by state authorities, based on stringent administrative reviews.

Another legal measure often conflated with expulsion is the departure order, which is issued by the Foreigners' Affairs Office within the Wilaya where the individual resides. Unlike expulsion, which is based on concerns over public order or national security, a departure order is issued when a foreign national no longer meets the legal criteria for residency. The affected individual is formally notified and required to leave Algeria within a specified period.

While both expulsion and departure orders result in the removal of a foreign national, their legal justifications and issuing authorities differ. A departure order is an administrative measure triggered by the loss of legal residency status, whereas expulsion is a discretionary security measure issued by the Minister of the Interior when an individual's continued presence poses a direct threat to public order or national security.

Finally, the distinction extends to entry bans, which prevent individuals not currently within national borders, but listed as undesirable, from entering. This measure serves as a preventive rather than corrective tool, contrasting with expulsion, which involves the physical removal of a person from national territory following completed legal procedures.

### 3.2.2 Legal Grounds for Expulsion of Foreign Nationals from Algeria

Under Article 30 of Law No. 08-11, Algerian law delineates four specific scenarios where expulsion may be enacted. Notably, the primary scenario refers to Article 22(4)—not Article 22(3)—providing a legal framework for the administrative expulsion of foreign nationals under certain conditions:

1. **Threat to Public Order or State Security:** This criterion empowers administrative authorities to expel foreign nationals whose presence is deemed a threat to public order or state security. The discretionary nature of this evaluation grants the authorities broad leeway to act, making it a prevalent basis for expulsion due to the subjective assessment of the threat level. This flexibility often limits judicial review, underscoring the predominant reliance on this ground for expulsion decisions.
2. **Criminal Conviction:** Expulsion can also occur when a foreign national has received a final judicial sentence for a felony or misdemeanor that includes imprisonment or a suspended sentence. The law does not restrict this to convictions from Algerian courts, allowing for the consideration of foreign judgments, although they do not possess intrinsic legal force in Algeria. The crucial element for enforcing expulsion under this ground is the punitive aspect of the sentence—specifically, its custodial component.
3. **Overstay:** If a foreign national fails to depart Algeria within the prescribed deadlines as outlined in Article 22(1) and (2), initially, an order for voluntary departure is issued. Should the individual disregard or delay compliance, this order escalates to mandatory expulsion. This transformation from a non-compliant stay to an enforced departure illustrates the procedural escalation within Algerian immigration law. Exceptions to forced departure are considered under circumstances of force majeure, such as unavoidable travel disruptions or significant public disturbances.
4. **Behavior Contravening Public Decency and National Interests:** Expulsion may also be justified under Article 22(3) and (4), it encompasses behavior considered antithetical to public morals or that jeopardizes national interests, as well as legal infractions related to such conduct. Expulsion under these conditions is predicated on the detrimental impact of the foreign national's actions on the societal and national fabric of Algeria.

Moreover, the revocation of a residence permit is warranted if the foreign national engages in activities that disrupt public order, threaten national interests, or result in convictions related to such activities. In these instances, immediate deportation follows the completion of requisite administrative or judicial proceedings.

### 3.2.3 Consequences of Expulsion

Once an expulsion order has been executed in Algeria, the expelled individual is legally prohibited from re-entering the country under the same circumstances that led to their initial presence. This prohibition

is enforced through the inclusion of the individual's name on entry ban lists, which are maintained at all points of entry—land, air, and maritime. Furthermore, the judiciary may also prescribe expulsion as an ancillary penalty to a criminal sentence, whereupon the expulsion is implemented only after the foreign national has served their designated sentence.

Administrative authority also reserves the right to deny entry to any individual previously expelled, regardless of their possession of the requisite entry documents. This exemplifies the discretionary power held by the administration. However, should a judicial decision overturn an expulsion order, the affected foreign national is entitled to re-enter Algeria. In such instances, the administration is obligated to restore all rights and recognize the continuity of the individual's residency status, effectively nullifying the effects of the original expulsion as if it never occurred.

### **3.3 Deportation and Forced Repatriation**

Deportation, as defined under Article 36 of Law No. 08-11, is a measure specifically applied to foreign nationals present in Algeria unlawfully. Unlike expulsion—which is primarily based on national security or public order considerations—deportation is an administrative sanction targeting individuals who have violated immigration laws, either by entering illegally or remaining in the country without legal authorization. The decision to deport a foreign national falls within the authority of the regional governor (wali), who may issue a deportation order as a direct consequence of an individual's failure to comply with Algerian entry and residency regulations.

#### **3.3.1 Procedures for Deportation**

Deportation is initiated against foreign nationals who either enter Algeria without proper authorization or overstay their legal residency. The process is administered by a regional governor (wali), who issues a removal order based on statutes that criminalize illegal presence on Algerian soil. Depending on the circumstances of the immigration violation, the following legal actions may be pursued:

##### **a) Judicial Actions:**

Foreign nationals found in breach of immigration laws may face criminal charges for illegal entry or overstaying their permitted residence. Convictions in such cases lead to custodial sentences, after which deportation is carried out. Fines are often deemed ineffective due to the financial insolvency of many offenders, who may also face charges for other related offenses such as document forgery or unauthorized employment. Such cases often result in stringent penalties, encompassing both criminal and financial repercussions, especially when fraudulent activities are involved.

##### **b) Administrative Actions:**

If the conditions specified in Article 36 are met, the responsible administrative authority may immediately initiate deportation to the border. This direct action is paused if the individual manages to regularize their status, possibly through mechanisms like a general amnesty that regularizes undocumented individuals, marriage to an Algerian citizen in compliance with legal provisions, or eligibility for protection that precludes immediate deportation, such as political asylum claims. In such instances, deportation proceedings are suspended pending a resolution of the individual's status regularization application.

#### **3.3.2 Grounds for Deportation or Repatriation**

Deportation is primarily predicated on the unlawful presence of a foreign national within Algerian territory, whether due to unauthorized entry, failure to secure a residence permit, or non-departure following the denial of permit renewal. Notably, the latter scenario is classified legally as expulsion rather than deportation, offering the foreign national additional legal safeguards against forced removal.

A foreign national found to be illegally present may be subject to immediate deportation upon detection. The issuance of a deportation order, which must be well-reasoned and issued by a competent authority, follows notification to the individual. This procedure includes the right for the individual to appeal the decision in the competent judicial forum. Upon exhausting all legal avenues, the individual is

then repatriated to their country of origin.

Article 7 of Decree No. 66-212 provides for the possibility of issuing a temporary regularization visa at the municipal or provincial level for foreign nationals who entered Algeria unlawfully. However, in practice, individuals apprehended for illegal residence are typically deported or expelled, rather than granted temporary regularization for up to 90 days. Law No. 08-11 does not explicitly confer on municipal or provincial authorities the power to issue regularization visas, though Article 36 allows for the regularization of status in certain cases. If an individual qualifies for such a process, the competent administrative authority—not the border police—oversees the adjustment of residency status, and the foreign national may eventually obtain a residence card.

### 3.3.3 Detention in Holding Centers

Law No. 08-11 introduced a regulatory framework for holding centers, filling a legal void in previous immigration legislation. Article 37(1) grants administrative authorities the power to establish designated holding centers for foreign nationals in an irregular situation, where they may be detained pending deportation or forced repatriation to their home country.

Placement in a holding center is an administrative measure ordered by the competent regional governor (wali) in the jurisdiction where the foreign national was apprehended. The measure remains in effect until the completion of deportation procedures. While the initial detention period is limited to 30 days, it may be extended periodically until deportation is executed. Once deported, the legal consequences of deportation are equivalent to those of expulsion, meaning that re-entry is prohibited under similar conditions.

The legal framework governing deportation also places obligations on transport carriers involved in international travel. Article 35 of Law No. 08-11 imposes financial liability on any transport operator that facilitates the entry of a foreign national without valid travel documents or, where applicable, a required entry visa. Carriers found in violation may face civil fines of up to 500,000 Algerian dinars and are further responsible for covering the costs of accommodation and necessary expenses for repatriation.

Additionally, Article 36 authorizes the deportation of any foreign national who enters Algeria unlawfully, with the removal order issued by the competent regional governor. Further reinforcing this regulatory structure, Article 42 stipulates criminal penalties for foreign nationals who re-enter Algeria following expulsion or deportation without obtaining prior authorization, except in cases where the individual qualifies for refugee status or is stateless. Moreover, Article 44 criminalizes violations of Articles 4, 7, 8, and 9 of Law No. 08-11, which pertain to:

- Failure to possess a valid passport, travel document, or entry visa (Article 4),
- Failure to report to the competent border control authorities upon arrival (Article 7),
- Exceeding the authorized duration of stay under an entry visa (Article 8),
- Unauthorized departure from Algerian territory (Article 9).

Lastly, Article 46 outlines severe punitive and additional measures against any person or entity that directly or indirectly facilitates the illegal entry, movement, residency, or exit of a foreign national within Algerian territory.

## 4. Conclusion

Algerian law establishes strict legal requirements for the entry, residence, and employment of foreign nationals, mandating that they possess the necessary travel and residency documents as stipulated under Law No. 08-11. This legal framework regulates the movement of foreign nationals, ensuring that their presence within Algerian territory complies with national immigration policies. Additionally, Article 94(2) of the 2020 Constitution guarantees the fundamental right of Algerian citizens to enter and leave

the country, affirming that "Every citizen has the right to enter and exit national territory."

Conversely, unauthorized border crossings—whether by land, sea, or air—constitute unlawful migration, often categorized as irregular or clandestine migration. Such actions involve the illegal circumvention of border controls, exposing individuals to criminal liability and subjecting them to legal enforcement measures.

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