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The Legal Regulation of the Entry of Foreigners into Algeria under Law No. 08-11

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Abstract

This study examines the legal regulations governing the entry of foreigners into Algeria, as set out in Law No. 08-11, which outlines the conditions for foreigners to enter, reside in, and move around the country. It highlights the conditions and regulations governing foreign entry into Algeria. Foreigners wishing to enter Algeria must possess the required travel documents, including a passport or other valid, recognised document; a health booklet; proof of means of subsistence; and travel insurance coverage. Entry must be made legally via land, sea or air border crossing points and foreigners must hold an entry visa unless exempt from this requirement. Foreigners entering the country are also subject to a set of regulations, including border checks to verify that they have the legally required documentation. The legislator has provided for the possibility of prohibiting a foreigner from entering Algerian territory by decision of the Minister of the Interior and the territorially competent Wali, for reasons relating to state security, public order or fundamental and diplomatic interests of the country.

Keywords: Foreigners, Algerian territory, conditions for entry into Algeria, entry visa, passport, prohibition of entry.

Introduction

In the modern era, the international arena has witnessed an increase in the movement of foreigners from one country to another, owing to the development of means of transport and communication and the emergence of international trade, which have resulted in the expansion of relations and ties between various countries and their nationals.

Freedom of movement is considered one of the fundamental human rights under international and regional conventions[1]. This means that individuals have the right to move freely from one place to another, and from one country to another, whenever they wish and by whatever means they desire[2].

Like many other countries, Algeria has enshrined the principle of freedom of movement in its constitution[3], thereby recognising the right of foreigners to enter the country, move around it freely, and reside there.

However, although freedom of movement and residence is one of the fundamental human freedoms, it is not absolute. Rather, it is subject to regulation in order to enable the state to preserve its existence, integrity, security and economic and social interests.

Consequently, the freedom to travel between countries is balanced by the state's right to regulate the legal status of foreigners, controlling their entry into the country, their movement within it, and their residence. However, the state's freedom to determine the legal status of foreigners is not absolute. It is restricted by international custom and the commitments undertaken in international agreements.

The state's regulation of foreigners' entry into its territory is one manifestation of its sovereignty and authority over that territory and those present within it. The Algerian legislator has regulated the entry, residence and movement of foreigners in Algeria pursuant to Law No. 08-11[4].

The latter defined a foreigner in Article 3, which states that: 'A foreigner is any individual who holds a nationality other than Algerian nationality, or who holds no nationality.'

Egyptian legal doctrine also establishes that a foreigner is any person, whether natural or legal, who does not hold Egyptian nationality. Nationality is the criterion upon which the distinction between a national and a foreigner is based.

This includes stateless persons and persons of unknown nationality, since they are not nationals. A refugee is considered a foreigner because they hold the nationality of a particular state, but have been compelled to leave it for another state for fear of being subjected to torture or persecution on account of their political, economic or religious ideas or beliefs[5].

In this sense, foreigners are required to fulfil various conditions and complete different procedures stipulated by law with regard to entry into, residence in, and movement within Algerian territory (Article 4 of Law No. 08-11).

The legal significance of this topic lies in examining the provisions established by Law No. 08-11 concerning the conditions and regulations governing the entry of foreigners into Algeria. This clarifies the legal framework governing the entry of foreigners into Algeria.

The following research problem can therefore be raised:

How has the Algerian legislator regulated the entry of foreigners into Algerian territory under Law No. 08-11? What are the conditions for such entry and what are the relevant legal provisions?

To address this research problem, the topic is examined in two sections, as follows:

Section One: Conditions for the entry of foreigners into Algeria

Section Two: Regulations Governing the Entry of Foreigners into Algeria

Section One: Conditions for the Entry of Foreigners into Algeria

Algeria has not closed its doors to foreigners, but has not left them wide open either. The Algerian legislator has adopted a middle-ground approach[6], allowing foreigners to enter the country in accordance with specific regulations and procedures. This enables the state to monitor those entering its territory and verify the legitimacy of their arrival[7], safeguarding national interests and public security.

Article 1 of Law No. 08-11 stipulates that: 'This Law determines the conditions for the entry of foreigners into Algerian territory, their residence therein, and their movement within it, taking into account international conventions or reciprocity agreements.'

This provision demonstrates that the Algerian legislature has emphasised the need to comply with Algeria's international obligations regarding the entry, residence and movement of foreigners within Algerian territory, taking into account the relevant international conventions.

Furthermore, Law No. 08-11[8] adopted the principle of reciprocity as one of its fundamental principles, as reflected in Articles 1, 2 and 4. This entails treating foreigners in accordance with this principle with regard to their entry, residence and movement within Algerian territory. The principle also applies to the exemption of members of diplomatic and consular missions accredited to Algeria who hold diplomatic status from the provisions of this Law.

Examining the provisions of Law No. 08-11 reveals that foreigners wishing to enter or reside in Algeria must comply with applicable regulations. This involves completing the necessary entry procedures, possessing legally required documents, proving they have sufficient funds for their stay and, in the case of temporary residence, taking out travel insurance[9].

This section therefore examines the conditions for foreigners entering Algeria, first addressing the passports and other documents required to enter Algerian territory (First Subsection), and then examining the visa requirements (Second Subsection).

First Subsection: The passport and other documents required for the entry of foreigners into the national territory.

Article 7 of Law No. 08-11 stipulates that every foreigner arriving in Algerian territory must present themselves to the competent inspection authorities at border crossing points. They must carry a passport issued by their state of nationality or any other valid travel document recognised by the Algerian state. Where applicable, they must also carry a visa issued by the competent authorities, as well as a health booklet in accordance with international health regulations.

Accordingly, this subsection is divided into four parts, as follows:

Part One: The passport and documents serving as its equivalent

Part Two: The Health Booklet

Part One: The Passport and Documents Serving as Its Equivalent

In order for a foreigner to enter Algerian territory lawfully, they must hold a valid passport issued by their government, or any other travel document recognised by the Algerian state.

Upon arrival, they must present themselves at a land, sea or air border police post and present their valid passport or similar document to the border control authorities[10].

First: The passport

Linguistically, a passport is a document issued by a state to one of its nationals to prove their identity when travelling abroad. A national passport must contain the full identity details of the passport holder, their photograph, the signature and seal of the issuing authority, and an indication of the passport's period of validity[11].

Legal scholars agree on the following definition of a passport: 'A document issued by the administrative authorities that establishes the identity, nationality and place of residence of its holder, and allows them to travel freely.' As a general rule, passports are issued to citizens who hold the nationality of the issuing state[12].

Professor Zerouti Tayeb defined it as follows: 'An internationally recognised official document that clearly indicates the full identity of the holder, their photograph, the period of validity and the signature and seal of the issuing authority. It is generally issued by the state of which the holder is a national[13].'

Passports play an important role in private international relations as they facilitate movement between states. The holder may also use it to establish their identity and nationality in the foreign state whose territory they have entered[14].

According to Article 2 of Law No. 14-03 on Travel Documents and Travel Documents[15], every Algerian citizen travelling abroad must carry an ordinary[16], diplomatic[17] or service passport[18].

Article 6 of the same law defines a passport as follows: 'A passport is an individual travel document issued to every citizen, regardless of age, unless they have been finally convicted of a felony and have not been rehabilitated.

It simultaneously establishes the identity and nationality of its holder, and allows them to leave or return to the national territory in accordance with the legislation and regulations in force.

In conclusion, a passport is a fundamental internationally recognised document and the most widely used document for the movement of individuals between states. It is issued by the relevant administrative authority in the country or by consular or diplomatic missions abroad.

This booklet has a durable cover bearing the name of the state that the holder is a citizen of. It contains information about the holder's identity, personal details, nationality and physical characteristics. The booklet contains several pages, most of which are reserved for visas. These pages are durable and difficult to tear or forge[19].

Under Algerian law, passports are valid for ten years from the date of issuance for adults and five years for minors under the age of 19 (Article 8 of Law No. 14-03).

Secondly, documents serving as an equivalent to a passport.

A travel document

This is a special passport issued by the receiving state's authorities to foreigners who do not enjoy the protection of their state of origin, including political refugees and stateless persons[20]. It grants its holders the right to travel between states and return to the state that issued it, taking humanitarian considerations into account.

This is because stateless persons cannot obtain a national passport as they do not hold the nationality of any state. A passport is legally linked to a person's nationality, and the state is obliged to issue it to its nationals as proof of their affiliation with it. Travel documents are also available to refugees who are persecuted and unable to benefit from the services of their State of origin's diplomatic or consular missions.

Modern states have established the practice of issuing an alternative to a passport, particularly for stateless persons. This document is issued by the state in which the holder is domiciled or permanently resident, enabling them to travel between different states and enter any foreign state on the basis of the status established in that document[21].

This right has been established by international conventions, such as Article 28 of the 1951 Geneva Convention relating[22] to the Status of Refugees and Article 28 of the 1954 New York Convention relating[23] to Stateless Persons, which stipulate the issuance of travel documents to these two categories. This enables them to travel outside the state to attend to their affairs[24].

Algerian law refers to travel documents in Article 4(2) of Law No. 08-11, which states that: '... must hold a travel document'. The travel document is also mentioned in Article 7 of the same law, which states that: '... or any other valid document recognised by the Algerian state as a valid travel document'.

B. Laissez-Passer documents for United Nations personnel

While State authorities generally issue passports to their nationals, international organisations may issue travel documents to their employees who hold different nationalities. The purpose of this is to facilitate their movement in order to carry out their duties, while each employee retains their nationality and the passport issued by their state of origin. An example of this is the travel documents issued by the United Nations to its officials and employees[25].

The United Nations laissez-passer is a travel document issued to United Nations personnel, enabling them to travel to Member States to carry out their assigned duties. Article 24 of the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946, stipulates the following: 'The United Nations may issue United Nations laissez-passer to its officials. These laissez-passer shall be recognised and accepted by the competent authorities of the Member States as valid travel documents".

Similar travel documents are also issued by regional organisations, such as the League of Arab States. Article 27 of the Convention on the Privileges and Immunities of the League of Arab States, approved by the League Council at its session held on 10 May 1953, stipulates that: 'The General Secretariat of the League of Arab States may issue laissez-passer documents to its personnel as valid travel documents for their holders, which the Member States shall recognise and accept.'

Part Two: The Health Booklet

In addition to a passport, a foreign national must be provided with a health booklet that complies with the current international health regulations and confirms that they have been vaccinated and are free from communicable diseases and epidemics. This

is particularly important in the event of an epidemic or infectious disease outbreak[26].

According to Article 7 of Law No. 08-11, any foreigner wishing to enter Algerian territory must possess a health booklet in accordance with the International Health Regulations. This requirement aims to protect public health and prevent the spread of epidemics and communicable diseases, which foreigners may carry[27].

The health booklet therefore ensures that foreigners do not pose a risk to the health of Algerian citizens or lawful residents of Algeria by carrying communicable diseases[28].

Furthermore, the final paragraph of Article 4 of Law No. 08-11 stipulates that, subject to the principle of reciprocity, a foreigner wishing to reside temporarily in Algeria is required to take out travel insurance. This document requires the foreigner to cover all potential expenses related to their repatriation to their country of origin, or to the provision of healthcare in the event of illness during their stay in Algeria.

Taking into account the principle of reciprocity, foreigners wishing to reside temporarily in Algeria must take out an insurance policy to cover any risks they may face while travelling to and staying in the country.

According to Article 4, paragraph 4, of Law No. 08-11, the foreigner must also provide proof of sufficient means of subsistence for the entire duration of their stay, so that they do not become a burden on Algerian society or resort to unlawful means of earning a living[29].

Second Subsection: The visa

For a foreigner to enter Algerian territory lawfully, the official document they hold must bear a stamp authorising them to cross the border, known as a visa.

This is provided for by the Algerian legislator in paragraph 2 of Article 4 and Article 7[30] of Law No. 08-11[31].

This subsection is divided into two parts. The first part defines and categorises visas, while the second part identifies categories of foreigners who are exempt from presenting an entry visa.

Part One: Definition and Types of Visas

First: Definition of a visa

A visa is an administrative procedure through which the relevant authorities grant approval for foreigners to enter a country. Visas are issued either by diplomatic missions located abroad (namely embassies and consulates) or at border crossing points[32].

Therefore, a visa is an authorisation or permit to enter and reside in a particular state for a specified period. Legal scholars have agreed on the following definition: 'The authorisation, signature or mark indicating permission for a foreigner to enter the state[33].'

Consular visas are issued by Algerian diplomatic and consular missions accredited abroad upon payment of the visa fee by the applicant (Article 8(3) of Law No. 08-11).

The visa system enables any state to control the movement of foreigners entering its territory. Accordingly[34], visas are of paramount importance in securing borders and preventing illegal immigration. They also play a role in strengthening public security and protecting the safety, economic interests and social interests of the state.

Different states have different regulations regarding entry visas. This is due to the extent to which each state considers its own interests, economic situation and public security matters. Some states require entry visas in all circumstances, while others exempt foreigners from obtaining them in certain cases based on international agreements, either unilaterally or in accordance with the principle of reciprocity[35].

Second: types of visas

There are several types of visa. Entry visas can be classified according to the place of issuance or the person applying for them.

A. Visas according to the place of issuance:

1. Consular visas:

These are issued by Algerian diplomatic missions abroad by affixing a stamp to the passport. When applying for a consular visa, the foreign national must submit a passport that is valid for at least six months (Article 6 bis of Presidential Decree No. 03-251)[36].

The maximum validity period for a consular visa authorising entry to Algerian territory is two years (Article 8(1) of Law No. 08-11). The maximum authorised period of stay for each entry into Algerian territory is also set at ninety (90) days (Article 8(2) of the same Law).

The territorially competent administrative authorities may exceptionally approve a visa extension of up to ninety days for foreigners wishing to extend their stay in Algeria beyond the authorised period, provided they do not intend to establish residence in Algeria (Article 13 of Law No. 08-11).

The legislator has authorised the taking of fingerprints and photographs of foreign nationals for identification purposes, as well as the retention and processing of these details by computerised systems, for the purpose of examining visa applications or during police checks carried out by security services at border crossing points or throughout Algerian territory (Article 15 of Law No. 08-11).

2. Regularisation visa:

Pursuant to Article 12 of Law No. 08-11[37], the border police may grant a regularisation visa in emergency cases. This applies to foreigners who present themselves at border crossing points without a visa and are unable to obtain one from Algerian diplomatic and consular missions accredited abroad. This also applies if there are no diplomatic or consular missions in the country from which the foreigner arrives, or for any other legitimate reason.

This visa may also be granted to a foreign national who is compelled to enter the country due to force majeure, or who is unaware of the entry procedures. In the latter case, the foreign national's good faith is established by the reasons for their arrival in Algeria. The border police shall immediately notify the relevant administrative authorities of the issuance of this visa[38].

3. Transit visa:

This is granted to individuals who wish to travel from one state to another via the territory of a third state. This transit may be direct, in which case the traveller remains in the territory of the third State only for the period required for the aircraft or vessel to remain at the airport or port. Alternatively, it may be indirect, in which case the traveller is required to remain in the territory of the State for several days due to incompatible travel schedules or until the journey resumes. In both cases, the foreigner's presence in the territory of the State is limited to transit in order to reach the intended destination, and is not intended for residence therein.

According to Article 14 of Law No. 08-11, a transit visa with a maximum validity of seven days may be issued to a foreign national transiting through Algerian territory, provided they hold a visa for their final destination and can prove they have sufficient funds for the duration of their transit.

A transit visa is authorisation issued by the competent authorities to a foreigner to pass through a state's territory by land, sea or air to reach another state. It differs from an ordinary entry visa in that it allows the foreigner to remain in the state only for the short period necessary to complete the transit process[39]. A transit visa may only be renewed once on an exceptional basis (Article 14(2) of Law No. 08-11).

B Visas: According to the persons applying for them:

1. Diplomatic visa:

A diplomatic visa is granted to holders of diplomatic passports. In accordance with the generally recognised principles of diplomatic and consular law, this includes members of the diplomatic and consular corps who enjoy immunity.

Article 5 bis 1 of Presidential Decree No. 03-251 stipulates that: '... a diplomatic visa shall be issued ... to the holder of a diplomatic passport ...'.

In practice, however, persons holding diplomatic passports do not require such visas, since possession of these passports allows them to enter freely and they often contain open visas[40].

This exception has been enshrined in Algerian law under Article 2 of Law No. 08-11, which stipulates that: 'Subject to the principle of reciprocity, the provisions of this Law shall not apply to members of diplomatic and consular missions accredited to Algeria who hold diplomatic status.'

This provision indicates that the legislator has excluded this category from the general provisions governing the entry, residence and movement of foreigners in Algeria, given the nature of their legal status and the specific rules governing the position of members of diplomatic and consular missions, provided that the principle of reciprocity is observed.

2. Courtesy visa:

This visa is granted to individuals holding ordinary passports who occupy senior positions in their home country, or who are prominent figures in the country granting the visa. Examples include representatives of their home country at international conferences, and employees of international organisations or specialised agencies[41].

Article 5 bis 1 of Presidential Decree No. 03-251 establishes the Courtesy Visa and delegates its issuance to Algerian diplomatic and consular missions for holders of valid ordinary passports.

3. Ordinary visa:

This visa is granted to a foreign national who wishes to enter a state's territory, in accordance with the prescribed legal conditions and procedures. The required documents vary according to the purpose of entry and the reason for the visit.

Article 5 bis 1 of Presidential Decree No. 03-251 sets out the various types of visas issued by Algerian diplomatic and consular missions abroad. It also identifies those eligible to receive them and the conditions that must be met for their issuance. These include the press, tourist, business, study, work, family, medical, cultural and group visas.

4. Movement permit:

The territorially competent border police services may issue a movement permit or authorisation to foreign crew members of ships and aircraft that are temporarily stopping in Algerian territory. The permit is valid for between two and seven days (Article 14(2) of Law No. 08-11).

Second Section: Foreigners exempt from presenting an entry visa

Through Article 11 of Law No. 08-11, the Algerian legislator exempted a specific category from the consular visa requirement. This means that members of this category are permitted to enter Algerian territory without being required to obtain an entry visa[42]. This category includes:

A foreign seafarer who is aboard a ship anchored in an Algerian port and benefiting from shore leave in accordance with the maritime conventions ratified by the Algerian state.

- a foreign seafarer working aboard a ship anchored in an Algerian port who is granted shore leave in accordance with maritime conventions ratified by the Algerian state;

- A foreigner transiting Algerian territory by air.

- A foreign member of the crew of an aircraft stopped at one of Algeria's airports.

A foreigner who benefits from the provisions of international conventions or reciprocal treatment agreements in this field.

Article 2 of Law No. 08-11 excludes members of diplomatic and consular missions accredited to Algeria who hold diplomatic status from the scope of its provisions. This exemption means they are not required to obtain a visa to enter Algerian territory, provided the principle of reciprocity is observed, one of the principles governing the regulation of diplomatic relations between states.

Furthermore, pursuant to Article 7 of Law No. 08-11, the Algerian legislator requires compliance with the international conventions relating to refugees and stateless persons that have been ratified by Algeria with regard to the conditions governing the entry of foreigners into Algeria. This includes the requirement to hold a valid passport or other valid travel document, as well as a visa issued by the relevant authorities.

These conventions establish specific provisions concerning entry conditions and the required travel documents, ensuring a balance between the requirements for regulating the entry of foreigners and Algeria's international obligations.

Chapter Two: Regulations Governing the Entry of Foreigners into Algerian Territory

Entry to the national territory is not merely a matter of completing the required documents and meeting the legal conditions; it is also subject to a set of regulations governing the entry process and ensuring that the legally prescribed conditions have been met.

In this regard, the Algerian legislator has established rules relating to monitoring foreigners' entry, while also recognising the state's right to prohibit foreigners from entering the national territory in specific cases.

This chapter will therefore first address the control of foreigners upon entry to the national territory (First Section), and then the cases in which foreigners may be prohibited from entering Algerian territory (Second Section).

First Section: Foreigners' Subjection to Control upon Entry into the National Territory

A foreigner wishing to enter the national territory is subject to strict controls imposed by the border security services, primarily the border police. The border police ensure that the travel documents of persons arriving in Algeria are checked, and that the individuals are inspected and screened before a decision concerning them is made[43].

As soon as they reach the border, people arriving in Algeria must go to the police station at the port, airport, border post or crossing point for inspection. Border police services verify the validity of their travel documents, such as passports or other documents recognised by the Algerian state as valid travel documents. These documents must bear the required visa for entry into the national territory, issued by the competent authorities. They must also present a health booklet in accordance with international health regulations. This is provided for in Article 7 of Law No. 08-11, which states: '... Every foreigner arriving in Algerian territory must present themselves to the competent authorities responsible for inspection at border posts...".

Once the border police have confirmed that the foreigner possesses the necessary documents and the required legal visa and that these documents are valid and not forged, they verify that the foreigner has not been expelled or declared undesirable and that no measure prohibiting exit from Algerian territory has been issued against them. The foreign national is then permitted to enter Algeria, as evidenced by a stamp in their passport indicating the date on which they crossed the border and entered Algerian territory.

However, if the border police determine otherwise, either because the foreigner does not meet the entry requirements or because they are considered undesirable, they have the right to prohibit that person from entering Algeria.

Second Section: Cases in Which Foreigners May Be Prohibited from Entering the National Territory

A foreigner's entry into a State's territory does not grant them a right that can be exercised in all circumstances. Rather, national authorities may prohibit a foreigner from entering their territory if they pose a threat to public order or state security, or if they undermine the state's fundamental and diplomatic interests[44].

Pursuant to Article 5 of Law No. 08-11, the Algerian legislator has granted the State the right to prohibit a foreigner from entering Algerian territory, even if they meet all the aforementioned legal entry requirements[45].

The article provides that: 'The Minister of the Interior may prohibit any foreigner from entering Algerian territory for reasons relating to public order and/or state security or the fundamental and diplomatic interests of the Algerian state.

For the same reasons, the territorially competent wali may immediately decide to prohibit a foreigner from entering Algerian territory."

Thus, the Algerian legislator has granted the Minister of the Interior and the territorially competent wali the right to object to the entry of foreigners who may threaten public order in Algeria. This includes foreigners who suffer from serious communicable diseases, who are subject to international prosecution for committing internationally criminalised acts[46], who threaten the stability or public security of the state, or who affect the fundamental and diplomatic interests of the Algerian state.

Examining the provisions of Law No. 08-11 reveals that the legislator has not granted foreigners prohibited from entering Algerian territory the right to appeal the decision. This is because prohibiting a foreigner from entering a state's territory is considered a sovereign right exercised by the state on the basis of its discretionary authority, with the aim of protecting the state's territory, safeguarding its security and integrity, and protecting its fundamental and diplomatic interests[47].

Where a foreigner is refused entry to Algeria by air or sea, the transport company that carried them is required, at the request of the competent border control authorities, to return them to the place where they boarded. If this is impossible, the foreign national must be returned to the country that issued the travel document used for the journey or to any other place where they may be admitted. This is pursuant to Article 34 of Law No.-11.

Conclusion:

In summary, Algeria, like other states, has attempted to control the entry of foreigners into its territory by passing Law No. 08-11. This law stipulates that foreigners must meet certain legal conditions and regulations when entering the country. These include possessing a valid travel document bearing a visa issued by the relevant authorities, if required, as well as a health booklet, proof of sufficient funds, and travel insurance.

Law No. 08-11 also contains provisions regulating the entry of foreigners into Algeria, requiring them to undergo the prescribed inspection procedures when entering the country in order to safeguard the State's interests and internal security. A foreigner who poses a threat to state security, public order or fundamental and diplomatic state interests may be prohibited from entering the national territory. This is an application of the principle of state sovereignty over its territory, whereby the state retains the right to prohibit a foreigner from entering, even if they possess the legally required documents.

However, it has been criticised that the Algerian legislator has not imposed an obligation on the Minister of the Interior or the Wali to issue a decision prohibiting a foreigner from entering Algeria if their entry would pose a threat to security and public order or undermine political and diplomatic interests. Article 5 of Law No. 08-11 uses the expression "may" rather than "must"; that is, it gives the relevant authority the option of issuing an entry prohibition decision, but does not oblige them to do so.

Therefore, Article 5 of Law No. 08-11 should be amended to make it mandatory for the Minister of the Interior or the Wali to issue a decision prohibiting entry whenever the legally recognised grounds for such a decision are present.

It should also be noted that Law No. 08-11 does not contain detailed provisions on modern inspection procedures for foreigners entering Algerian territory. It merely establishes the principle that foreigners are subject to inspection at border posts upon entering the national territory, in order to verify that they possess the necessary documents to meet the requirements, without adequately specifying the means and procedures of such inspection, particularly with regard to the electronic verification of foreigners' identities and personal data. This is despite the technological developments that have taken place in border control systems and in the field of information and communication technology. Consequently, border control mechanisms must be developed and modernised in line with technological advances, while taking into account legal safeguards relating to the protection of personal data.

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Notes

[1] - Article 13 of the Universal Declaration of Human Rights provides that: "Everyone has the right to freedom of movement and residence within the borders of each State, and the right to leave any country, including his own, and to return to his country." Similarly, the International Covenant on Civil and Political Rights of 1966 guarantees freedom of movement. Article 12 provides that: "1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. 2. Everyone shall be free to leave any country, including his own."

[2] - See: Khalid Hilal Sha'ban Murad Muhammad, "Freedom of Movement and Its Restrictions in Light of International Instruments," *Journal of Legal and Political Studies*, Issue 06, June 2017, p. 41.

[3] - The Algerian Constitution also guarantees this right. Article 49 provides that: "Every citizen enjoying his civil and political rights has the right to freely choose his place of residence and to move freely throughout the national territory. Every citizen has the right to enter and leave the national territory."

[4] - Law No. 08-11 of 21 Jumada al-Thani 1429 AH, corresponding to 25 June 2008, concerning the conditions for the entry, residence, and movement of foreigners in Algeria, was issued in the Official Gazette of the People's Democratic Republic of Algeria, No. 36, dated 28 Jumada al-Thani 1429 AH, corresponding to 2 July 2008.

[5] - See: Abdel Moneim Hafez El-Sayed, Provisions Governing the Legal Status of Foreigners, 1st ed., Al-Wafa Legal Library, Alexandria, 2014, pp. 40–41.

[6] - See: Lahmar Ahmed, The Legal Status of Foreigners in Algeria, Master's Thesis, Faculty of Law, Abu Bakr Belkaid University, 2002–2003, p. 31.

[7] - See: Boujana Mohamed, The Treatment of Foreigners under Contemporary International Law, Doctoral Dissertation, Faculty of Law, Benyoucef Benkhedda University Algiers 1, 2015–2016, p. 161.

[8] - This is one of the well-established and widely recognized principles of contemporary international law. It means that nationals of one State, or of a group of contracting States, acquire a legal status equal or similar to that of the nationals of another State, provided that the latter State or States grant reciprocal treatment to their nationals. This principle is established through bilateral or multilateral agreements. See: Tayeb Zerouti, Algerian Private International Law: Theory and Practice, 1st ed., Dar al-Fassila, Algeria, 2010, p. 367

[9] - See: Tayeb Zerouti, ibid., p. 367.

[10] - See: Mohamed Saadi, Private International Law and Its Applications in the Algerian Legal System, 1st ed., Dar al-Khaldounia for Publishing and Distribution, Algeria, 2009, p. 293.

[11] - See: Ben Obeida Abdelhafid, Nationality and the Legal Status of Foreigners in Algerian Jurisprudence and Legislation, 2nd ed., Dar Houma for Printing, Publishing and Distribution, Algeria, 2007, p. 275.

[12] - See: Boujana Mohamed, ibid., p. 163.

[13] - See: Tayeb Zerouti, Algerian Private International Law: Theory and Practice, 1st ed., Dar al-Fassila, Algeria, 2010, p. 162.

[14] - See: Boujana Mohamed, ibid., pp. 162–163.

[15] - Law No. 14-03 of 24 Rabiʿ al-Thani 1435 AH, corresponding to 24 February 2014, concerning travel documents, Official Gazette of the People's Democratic Republic of Algeria, dated 21 Jumada al-Awwal 1435 AH, corresponding to 23 March 2014, No. 16.

[16] - The ordinary passport constitutes the general rule among passports, as it is issued to ordinary individuals. In other words, it is granted to all citizens without exception who do not officially represent the State, even if they represent it symbolically, provided that they are nationals of that State. This type of passport is recognized by all States, and each State determines its form and specifications according to its own considerations. See: Boujana Mohamed, ibid., p. 165.

[17] - Article 3 of Presidential Decree No. 23-201 defines the diplomatic passport as an identity and travel document associated with the following: * The exercise of diplomatic activities in accordance with international agreements and practices. * The functions stipulated in Articles 6 and 7 of this Decree. Presidential Decree No. 23-210 of 12 Dhu al-Qaʿdah 1444 AH, corresponding to 1 June 2023, specifies the conditions for granting official travel documents issued by the Ministry of Foreign Affairs.[16] These passports are issued by the Ministry of Foreign Affairs and facilitate the movement of diplomats during the performance of their duties. This privilege extends to accompanying family members and aims to facilitate the performance of diplomatic functions in host States by granting them a range of immunities and privileges. They are usually granted to Heads of State and members of the diplomatic and consular corps entrusted with safeguarding their States' interests abroad. The diplomatic passport is a temporary passport, and its holder must return it to the Ministry of Foreign Affairs immediately upon the completion of the duties for which it was issued. Pursuant to Articles 4, 5, 6, and 7 of Presidential Decree No. 23-201, the diplomatic passport is granted to: * Diplomatic and consular officials affiliated with the Ministry of Foreign Affairs, as well as their spouses, minor children, and unmarried daughters living under the same roof. * National Defence Attachés, military attachés in the Air Force and Navy, and their assistants assigned to Algerian diplomatic missions abroad during the duration of their assignment, together with their spouses, minor children, and unmarried daughters living with them. * Persons holding the functions stipulated in Articles 6 and 7, along with their spouses, minor children, and unmarried daughters living with them. These positions include the President of the Republic, the Prime Minister or Head of Government, the President of the Council of the Nation, the President of the National People's Assembly, the Chief of Staff of the National People's Army, the Secretary-General of the Ministry of National Defence, members of the National Council of the Algerian Revolution, former Heads of State, and others.

[18] - The service passport, also referred to as the special passport or mission passport, is issued by the Ministry of Foreign Affairs to senior officials who are not entitled to hold diplomatic passports. Article 12 of Presidential Decree No. 23-201 defines the mission passport as an identity and travel document issued for carrying out an official mission or travel abroad. Article 13 of the same Decree specifies the categories entitled to receive a mission passport for the performance of their duties. These include civilian and military officials assigned to diplomatic or consular posts whose ranks or functions do not entitle them to receive diplomatic passports, together with their spouses, minor children, unmarried daughters, and dependent parents. It also includes senior State officials holding the rank of Director or above upon presentation of an official mission assignment issued by the competent ministry, senior officials of certain national bodies upon presentation of an assignment issued by the head of the relevant institution, as well as persons entrusted by the Minister of Foreign Affairs with special missions abroad.

[19] - See: Lahmar Ahmed, ibid., p. 34.

[20] - See: Ben Obeida Abdelhafid, ibid., p. 275.

[21] - See: Boujana Mohamed, ibid., p. 170.

[22] - Article 28 of the 1951 Convention Relating to the Status of Refugees provides for the issuance of travel documents in a prescribed form to refugees lawfully staying within a State in order to facilitate their travel outside its territory, unless prevented by reasons relating to national security or public order.

[23] - Algeria ratified this Convention pursuant to Decree No. 64-173 of 8 June 1964, Official Gazette No. 15 of 1964.

[24] - See: Ben Ziyada Oum Saad, ibid., p. 728.

[25] - See: Ben Ziyada Oum Saad, "The Administrative Status of the Entry and Movement of Foreigners within Algerian Territory," Algerian Journal of Legal and Political Sciences, Faculty of Law, Benyoucef Benkhedda University Algiers 1, Vol. 59, No. 2, 2022, p. 728.

[26] - See: Tayeb Zerouti, Studies in Algerian Private International Law, Dar Houma for Printing, Publishing and Distribution, Algeria, 2011, p. 368.

[27] - See: Fatima al-Zahra Bouqta, "Regulating the Legal Status of Migrants under Law No. 08-11 concerning the Conditions for the Entry, Residence, and Movement of Foreigners in Algeria," Journal of Law and Human Sciences, Ziane Achour University, Djelfa, Vol. 18, No. 3, 2025, p. 481.

[28] - See: Haroun Noura, "Algeria's Reservation of the Right to Prevent Foreigners from Entering Algerian Territory from the Perspective of Law No. 08-11," Al-Bahith Journal for Academic Studies, Batna 1 University El Hadj Lakhdar, Vol. 9, No. 1, 2022, p. 971.

[29] - See: Ben Ziyada Oum Saad, ibid., p. 729.

[30] - It further provides that: "…Every foreigner arriving in Algerian territory shall present himself to the competent control authorities at border posts carrying a passport issued by his State, or any other valid document recognized by the Algerian State as a valid travel document and, where applicable, bearing the required visa issued by the competent authorities…"

[31] - It provides as follows: "A foreigner, with regard to his residence, must possess a valid travel document and visa, as well as administrative permits where required."

[32] - See: Lahmar Ahmed, ibid., p. 40.

[33] - See: Boujana Mohamed, ibid., p. 175.

[34] - See: Haroun Noura, ibid., p. 969.

[35] - See: Boujana Mohamed, ibid., pp. 174–175.

[36] - Presidential Decree No. 03-251 of 19 July 2003 amended and supplemented Decree No. 66-212 of 21 July 1966 implementing Ordinance No. 66-211 concerning the status of foreigners in Algeria.

[37] - It provides that: "In urgent cases, the Border Police may exceptionally grant a regularization visa to a foreigner who arrives at border posts without a visa. The validity period of this visa shall be determined by regulation. In such cases, the Border Police shall immediately notify the competent administrative authorities."

[38] - See: Lahmar Ahmed, ibid., p. 41; Ben Ziyada Oum Saad, ibid., p. 733.

[39] - See: Boujana Mohamed, ibid., p. 178.

[40] - See: Ben Ziyada Oum Saad, ibid., p. 734; Lahmar Ahmed, ibid., p. 41.

[41] - See: Ben Ziyada Oum Saad, ibid., p. 734.

[42] - See: Haroun Noura, ibid., p. 970.

[43] - See: Fatima al-Zahra Bouqta, ibid., p. 481.

[44] - See: Mohamed Saadi, ibid., p. 296.

[45] - See: Haroun Noura, ibid., p. 972.

[46] - See: Lahmar Ahmed, ibid., p. 32.

[47] - See: Haroun Noura, ibid., p. 974.