

## COMMENTS

### Protection of Nationality Revocation Cases in the Egyptian Council of State Awards and Comparative Law

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**Abstract.** Nationality is the political and legal bond that links an individual to a state and makes that person one of its citizens. It is well established that nationality is a legal status connected to the sovereignty of the state. Due to the importance of nationality, international instruments and conventions allow each state to determine the grounds for the acquisition and revocation of its nationality. There are various grounds for the revocation of nationality, including voluntary renunciation of nationality, naturalization in a foreign state without prior permission from the competent authorities, serving a foreign state without permission from the state that holds one's nationality, and non-compliance with instructions or orders prohibiting such actions. One of the most common reasons for nationality revocation in Egypt currently is condemnation for terrorist acts and other serious crimes that harm the basic interests of the state. The Egyptian Nationality Law uniquely includes holding Zionist ideologies as a reason for nationality revocation.

Due to the serious effects of nationality revocation, the legislator has enacted legal protections for such cases. Article 16 of the Egyptian Nationality Law No. 26-75 lists exclusive reasons for nationality revocation, which must not be expanded upon. The administrative authority is required to provide justification for its decision to revoke nationality. Nationality revocation is considered an administrative sanction and must be proportional to the committed act; otherwise, the sanction would be deemed illegal.

**Keywords:** nationality; acquiring nationality; revoking nationality; Egyptian Nationality Law; French Civil Code.

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## Introduction

Nationality is the legal and political bond that links an individual and a state, making the individual one of its citizens. It also signifies the person's legal affiliation with the people who establish the state. It is the dependency that connects the individual to the state, a legal status derived from the law and tied to the state's sovereignty.<sup>1</sup> Nationality is a relationship of public order and is related to determining the fundamental element of the indigenous people in the existence of the Egyptian state.<sup>2</sup> Therefore, international conventions have left each state to determine the grounds for acquiring and revoking nationality.

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<sup>1</sup> Egyptian Supreme Administrative Court. (1991, December 15). Award in appeal No. 2118 of judicial year 32.

<sup>2</sup> Egyptian Supreme Administrative Court. (1992, December 27). Award in appeal No. 2067 of judicial year 33.

There are various reasons for acquiring citizenship, including birth, lineage, marriage, adoption in France, and cases of investment naturalization established by the Egyptian Nationality Law in its amendment issued in 2019. There are also various grounds for revoking nationality, including voluntary renunciation of nationality, acquisition of the nationality of a foreign state without prior permission from the competent authorities in the country whose nationality he holds, entering the service of foreign forces without the approval of the competent authorities, failure to comply with the orders of the competent authorities in the event of a prohibition on continuing work, or a final award issued against the individual for a crime of terrorism. The Egyptian Nationality Law contains a unique ground not found in other legislation: describing a person at any time as a Zionist. While the French Nationality Law included an exceptional case for the loss of nationality, when the person committed an act that would harm the basic interests of the state.

Due to the serious consequences of revoking nationality, the judiciary has established a number of guarantees that protect the right to nationality. Perhaps the most important of those is the submission of deprivation-of-nationality decisions to judicial review. Article 16 of the Egyptian Nationality Law stipulates that the grounds for revoking nationality are limited, and the authorities may not expand them or apply them by analogy. It obligates the authorities to provide reasons for the decision to revoke nationality and to provide the reasons on which it based its decision to revoke nationality. Finally, the decision to revoke nationality, as an administrative penalty, must be proportionate to the act committed by the individual; otherwise, this penalty loses its legitimacy.

The importance of the study lies in explaining to jurists, lawyers, researchers, and ordinary citizens the methods of acquiring citizenship, revoking nationality, and the constitutional and legal guarantees that must be observed when the authorities exercise their power to revoke nationality. These guarantees are often briefly mentioned in books on private international law or administrative judiciary jurisprudence.

The core research question is related to the state revoking the nationality of one of its citizens, whether acquired by naturalization or birth, as a means to preserve national security and the integrity of its lands. However, the loss of nationality has serious consequences for the individual and the individual's family. Therefore, it is crucial that the state's power to deprive individuals of nationality operates within a framework of safeguards that protect against arbitrary deprivation.

To achieve its goals, this study adopts a comparative analytical method, examining the relevant legal texts and comparing them with counterpart provisions in other legal systems in order to identify appropriate solutions to the research problem. The study has two main objectives: explaining the reasons for revoking nationality in Egyptian and comparative law and clarifying the judicial guarantees to protect the right to citizenship against its revocation and preventing the arbitrary use of the right to revoke nationality by the administrative authority.

## 1. Grounds for Acquiring and Revoking Nationality

In order to understand the guarantees of nationality revocation, it is necessary to know the nature of nationality, the reasons for acquiring it, the reasons for revoking it, and the ties between those. For example, among the reasons for revoking nationality are fraud and deception that an individual uses to obtain nationality.

### 1.1. Definition of Nationality and Grounds for its Acquisition

To define nationality within the framework of international law, the International Court of Justice defined nationality as a legal bond based on “a sense of social belonging and a close connection between emotions, interests, and feelings.”<sup>3</sup> In the context of national law, the Supreme Administrative Court defined nationality as a legal and political bond between the citizen and the state based on regulated principles. This means that a citizen’s link to the state constitutes a legal status that is acquired directly by law once the statutory requirements are fulfilled.<sup>4</sup> It is a political and legal bond that connects the individual to the state, with the individual pledging allegiance and the state pledging protection.<sup>5</sup> It is also defined as a legal and political bond between the Egyptian citizen and the state in an organized manner that makes the citizen’s affiliation to the state a legal status acquired directly from the provisions of law.<sup>6</sup> In legal doctrine, nationality is defined as the legal bond that links an individual to a particular state; it is a legal relationship between the individual and the State that makes the person a member of that state’s citizenry.<sup>7</sup> Some jurists define nationality as “the political relationship between a person and a particular state.”<sup>8</sup> While this definition of nationality may be limited in its scope, focusing on a single bond, the correct definition should include both the political and legal bonds so that nationality can have effects through granting or revocation. This criticism is directed at the definition of nationality, which is defined as “the legal connection that binds an individual to a specific state;”<sup>9</sup> focusing on the legal bond without the political bond. The correct definition of nationality requires the

<sup>3</sup> International Court of Justice. (1955, April 6). *Nottebohm case (Liechtenstein v. Guatemala)*.

<sup>4</sup> Egyptian Supreme Administrative Court. (1993, January 10). Award in appeal No. 601 of judicial year 33.

<sup>5</sup> Egyptian Supreme Administrative Court. (2000, December 10). Award in appeal No. 1946 of judicial year 47.

<sup>6</sup> Egyptian Supreme Administrative Court. (1997). Award in appeal No. 3270 of judicial year 37.

<sup>7</sup> Qasem, M. M. E.-D. (2003). Egyptian nationality and citizenship issues: A study on the relationship between legal concepts and political considerations. In *Proceedings of the Seventeenth Level Conference, Center for Political Research and Studies, Cairo University, December 21–23, 2003*. (In Arabic).

<sup>8</sup> Niboyet, J. P. (1947). *Traité de droit international privé français, Vol. 1* (2<sup>nd</sup> ed., p. 77). Recueil Sirey. (In French).

<sup>9</sup> Hisham, S. (1977). *Nationality, domicile, foreigners’ status, Vol. 1* (p. 19). House of Knowledge. (In Arabic); Al-Jadaawi, A. Q. (1988). *Principles of private international law* (p. 19). Dar Al-Nahda. (In Arabic).

presence of both bonds together, as the existence of one does not negate the need for the other. A third opinion defines nationality as a social and political bond with legal consequences that reflect an individual's affiliation to a specific state.<sup>10</sup> It is described as "a political and spiritual bond between the individual and the state,"<sup>11</sup> a quality with a political and legal nature that connects the individual to a specific country, and through which legal distribution of individuals in the international community is carried out.<sup>12</sup> It is also described as "the legal or political relationship that connects the individual to the state."<sup>13</sup> as well as a tool for international distribution of individuals, through which the individual becomes a member of the community that constitutes a pillar of a specific state.<sup>14</sup> Finally, as regards the impact of sovereignty on the conferral of nationality, the prevailing view in legal doctrine is that a state need not possess full sovereignty in order to grant nationality to its inhabitants; this is equally true of entities placed under mandate or trusteeship.<sup>15</sup> In the authors' opinion, for the purposes of the current study, nationality can be defined as the legal and political affiliation of a specific person towards the people composing a specific state.<sup>16</sup> The political bond determines the relationship between the ruler and the ruled, while the legal bond determines the rights and obligations of the individual towards the state.

Nationality serves to distinguish a state's citizens from non-citizens and therefore requires that all citizens possess a specific nationality, which in turn confers rights and imposes obligations in their relationship with the state.<sup>17</sup> There are multiple reasons for acquiring nationality, which we can explain as follows:

a. **By birth:** Acquisition of nationality by birth is not provided for under Egyptian Nationality Law, but it is in French nationality law. Article 18 of the French Civil Code states that a child is French if at least one of the parents is French, and then the child acquires French nationality, whether from the father or the mother. Article 19/1 of the French Civil Code also states that a child holds French nationality if born on French

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<sup>10</sup> El-Kasaby, E. E.-D. (2005). *Private international law: Nationality, Vol. 1* (p. 12). (In Arabic).

<sup>11</sup> Sari, G. Sh. (1995). *Validity of judgments issued by the administrative judiciary in nationality lawsuits: A comparative study* (p. 17). Dar Al-Nahda Al-Arabiya. (In Arabic).

<sup>12</sup> Akasha, A. (1999). *Lebanese nationality laws* (p. 16). (In Arabic).

<sup>13</sup> Dawood, A. (2000). *The jurisdiction of the Council of State in nationality lawsuits: Comparative study* (p. 5). Dar Al-Nahda Al-Arabiya. (In Arabic); Ashoush, A. A. (n.d.). *Private international law* (p. 8). Benha University Publications. (In Arabic).

<sup>14</sup> Muslim, A. (1954). *Private international law in nationality, foreigners' status, conflict of laws* (p. 74). Egyptian Dar Al-Nahda Library. (In Arabic).

<sup>15</sup> Ashoush, n.d., p. 9.

<sup>16</sup> Othman, N. M., & El-Meir, A. A. (2020). *Nationality and the status of foreigners* (p. 30). (In Arabic).

<sup>17</sup> Pataut, E. (n.d.). *La nationalité: Un lien de droit au prisme des droits fondamentaux*. In F.-X. Lucas & T. Revet (Eds.), *CRFPA: Précis de culture juridique* (p. 175). LGDJ. (In French).

territory, with unknown parents, and the child is considered born in France if one of the parents was born in France.<sup>18</sup> Nationality cannot be revoked from an abandoned child unless it is proven that the child holds another nationality.<sup>19</sup>

b. **By blood:** Minor children acquire the nationality of the Egyptian mother.

c. **By marriage:** The dissolution of a marriage contract has no effect on the nationality of a child born as a result of this marriage.<sup>20</sup> The French Council of State upheld the administration's decision to refuse French nationality to the wife because she did not respect the fundamental principles of the Republic, including gender equality.<sup>21</sup>

d. **By adoption:** Since adoption is prohibited in Islam, this form of acquiring nationality does not exist in Egyptian law but is recognized in French law.

e. **Investment naturalization:** This is a new form of naturalization in Egyptian Nationality Law introduced in 2023, which allows foreigners to apply for naturalization after paying \$10,000, which is transferred from abroad, according to the regulations set by the Central Bank.<sup>22</sup>

f. **By a political decision:** The Egyptian state can grant its nationality to a foreigner if the person has rendered distinguished services to it, as well as to heads of religious sects. Despite the international conventions regulating nationality acquisition, the International Court of Justice, in its consideration of the *Nottebohm* case, ruled that international law leaves it to each state to decide to whom it grants its nationality.<sup>23</sup>

### 1.2. Reasons for Revoking Nationality

Loss or revocation of nationality is defined as "stripping a person of his nationality, and the state can resort to it at any time."<sup>24</sup> Some jurists define revocation of nationality as the state stripping one of its nationals of their nationality as a punishment for committing serious acts that constitute a breach of their duties towards their state, or indicate disloyalty to the homeland.<sup>25</sup> In any case, nationality must be revoked in accordance with the Constitution and the law, based on the grounds stated in Article 15 of the Egyptian Nationality Law No. 26 of 1975, considering that acquiring

<sup>18</sup> French Civil Code, Art. 19/3.

<sup>19</sup> There are many international agreements that have reduce cases of statelessness, such as the Hague Convention on Certain Questions Relating to the Conflict of Nationality Laws, 1930; Convention on the Reduction of Statelessness, 1961; Covenant on the Rights of the Child in Islam, 2005.

<sup>20</sup> French Civil Code, Art. 21-6.

<sup>21</sup> Conseil d'État. (2020, November 9). Decision No. 436548. (In French).

<sup>22</sup> Egypt. (2023). Law No. 28 of 2023 amending Law No. 26 of 1975. (In Arabic).

<sup>23</sup> International Court of Justice. (1955, April 6). *Nottebohm case (Liechtenstein v. Guatemala)*.

<sup>24</sup> Osman, N. M., & Al-Mir, A. A. M. (n.d.). *Nationality and foreigners' status* (p. 88). (In Arabic).

<sup>25</sup> Sajer, A. (2023). Withdrawal of nationality in Arab legislation: A comparative study in legislation: Syria, Egypt, Morocco, Tunisia. *Damascus University Journal of Legal Sciences*, 3(3), 75. (In Arabic).

nationality is one of the constitutional rights.<sup>26</sup> Article 17/2 of the French Civil Code states that the acquisition and loss of nationality are regulated by law. The Egyptian Nationality Law No. 26 of 1975 distinguishes between two cases of loss of nationality: withdrawal of nationality and revocation of nationality, which are different in scope. Although there are similarities and agreements between them, revocation applies to the original or naturalized national, unlike withdrawal which applies to the naturalized national.<sup>27</sup> This study is limited to the revocation of nationality. In France, the revocation of nationality was introduced for the first time by the Decree issued on April 27 and May 3, 1848, which abolished slavery. The decree stated that the nationality of any French citizen who owned slaves for the purpose of trading them would be revoked. It is worth noting that revocation of nationality was a supplementary punishment for the criminal offense of owning slaves for the purpose of trading. However, revocation of nationality for various reasons that led to different legislations began with the law of April 7, 1915, amended by the law of June 18, 1917, which allowed for the revocation of French nationality from individuals who naturalized as French citizens and originated from enemy countries to France. These naturalized French citizens were considered a threat to French national security. The revocation of nationality was further regulated by the law of August 10, 1927, which allowed for revocation based on three reasons: endangering state security, committing acts incompatible with being a French citizen in favor of a foreign state, and theft or embezzlement of military assets. Revocation of nationality was a punishment for disloyalty to the state. With the issuance of the law on November 12, 1938,<sup>28</sup> which was completed in 1948, a new condition for revocation of nationality was added, which was being convicted and sentenced to imprisonment for committing a crime or offense. Nationality was also used to get rid of internal enemies, as the Vichy regime revoked the nationality of its political opponents. In October 1945, a law similar to the 1938 law was issued, and the system of revoking nationality remained unchanged for a long time until France faced terrorist acts in the 1990s. The law of July 22, 1992, was issued, allowing for the revocation of nationality for those convicted of committing a terrorist crime or offense. This law applies to naturalized French citizens, not French citizens by birth. Since 1998, France has complied with international law regarding conventions against statelessness, and nationality cannot be revoked if it results in statelessness.<sup>29</sup>

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<sup>26</sup> Egyptian Constitution of 2014, Art. 6; Egyptian Constitution of 2012, Art. 32, stating that “Egyptian nationality is a right regulated by law”; Egyptian Constitution of 1971, Art. 6; Egyptian Constitution of 1923, Art. 2.

<sup>27</sup> Sajer, 2023.

<sup>28</sup> Chadeaux, L. (2021). La déchéance de nationalité, idéologie et droit. *Revue de droit politique*, 46, 459–460. (In French).

<sup>29</sup> Pauvert, B. (2015). Autour de la déchéance et du retrait de la nationalité française. *Actualité juridique droit administratif*, 17, 1000. (In French).

The Egyptian Nationality Law No. 26 of 1975 includes in Article 16 a list of grounds for revoking nationality, which are as follows:<sup>30</sup>

a. **Absence from the state for an extended period:** The Egyptian Nationality Law states that nationality can be revoked if a citizen stays abroad for a long time without prior permission from the Minister of Interior, or if his stay abroad harms the basic interests of the state. This decision is at the discretion of the Minister's Council, but the harm to the basic interests of the state must have material manifestations and should not be presumed.<sup>31</sup> This reason is significant, as illustrated in Article 21-16 of French Civil Law, which relates nationality acquisition to residence on French territories. French jurisdiction also links nationality to legal residence.<sup>32</sup>

b. **Voluntary Renouncing of the original nationality.** Nationality revocation may occur if a citizen voluntarily renunciation his original nationality after acquiring another nationality, in accordance with the 1961 Convention on the Reduction of Statelessness. An example of voluntary renunciation is when an Egyptian woman acquires the nationality of her foreign husband. However, Article 8 of the Egyptian Nationality Law provides an exception for Egyptian women who do not renounce their nationality if the laws of the state of her husband require her to acquire his nationality and she expresses a desire to retain Egyptian nationality. In comparison, Article 23 of French Civil Law states that a French citizen residing abroad should not have his/her nationality revoked unless a desire is explicitly expressed to do so within a year of acquiring foreign nationality.<sup>33</sup> This voluntary renunciation is evident in decisions of the French Constitutional Council, which ruled that a citizen has the right to retain French nationality even after the independence of Algeria. If an individual voluntarily renounces French nationality and retains Algerian nationality alone, one cannot later claim to regain French nationality.<sup>34</sup>

c. **Nationalization with a foreign nationality without prior permission** may result in the citizen being authorized to nationalize with a foreign nationality while retaining his/her original nationality. Failure to obtain permission is considered a renounce of the original nationality, leading to the revocation of nationality. This reason for nationality revocation is illustrated in judgments of the Egyptian Supreme Administrative Court, which stated that "nationalization of an Egyptian citizen with a foreign nationality requires the revocation of Egyptian nationality according to

<sup>30</sup> Qatari Nationality Law No. 38 of 2005, Art. 11; Syrian Legislative Decree No. 276 of 1969, Art. 10; Belgian Nationality Code of June 28, 1984, Art. 22.

<sup>31</sup> Egyptian Supreme Administrative Court. (1965, May 1). Judgment No. 1344/8 J.

<sup>32</sup> Cour de Cassation. (1997, February 17). Cass. civ. 1re, n° 95-11674. (In French).

<sup>33</sup> French Civil Code, Art. 8-1.

<sup>34</sup> Lagarde, P. (2007). La nationalité. *Revue critique de droit international privé*, 1, 85–91. See also Conseil constitutionnel. (2013, November 22). Decision No. 2013-354 QPC. (In French).

Article 10 of the Egyptian Nationality Law.<sup>35</sup> The permission must be obtained before acquiring the new nationality, not after. This may be attributed to the Egyptian legislator's desire to prevent dual nationality.

In fact, the Article 10 of Law 26-75 allowed Egyptian citizens to retain Egyptian nationality alongside a foreign nationality. These provisions were imposed for practical considerations during the economic openness period in the 1970s, as many Egyptians traveled abroad for work and obtaining foreign nationalities was necessary for better work opportunities. The Egyptian legislator did not want to prevent them from returning to their country during economic development.<sup>36</sup> It is worth mentioning that the Egyptian Nationality Law, in some cases, allows Egyptian citizens to hold a foreign nationality without retaining the original one if the new nationality poses a threat to the interests and national security of Egypt. This is not a unique situation in Egyptian law but is also adopted by several nationality laws. For example, the Swiss immigration law in 1952 allowed the Minister of Interior to revoke Swiss nationality if the new nationality caused serious damage to the reputation and interests of the Swiss state.<sup>37</sup> Several legislations agree to revoke nationality if it endangers national interests and security,<sup>38</sup> but they vary in the method of revocation. The Swiss law authorizes revocation by administrative decision, Egyptian law authorizes revocation of nationality by a decision of the Council of Ministers, while Belgian law authorizes revoking dual nationality if it endangers national security through judicial awards. Revocation of nationality by administrative decision is prohibited as a safeguard against nationality revocation due to its serious consequences.

**d. Condemnation in terrorism acts** as the reason for revoking nationality may be ascribed to the seriousness of these acts, and when a person who commits these acts does not deserve the nationality of the state that is endangered by his/her acts.<sup>39</sup> It has been reported that revoking nationality is an effective tool in combating terrorism. England was the first European state to use this tool and it gained significant attention in the legislative process after the London subway bombings in 2005.<sup>40</sup> Additionally,

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<sup>35</sup> Egyptian Supreme Administrative Court. (2000, December 10). Judgment No. 1946/47 J.; Egyptian Council of Ministers. (2022, January 2). Decision No. 2 of 2022 revoking the nationality of Nabil Hassan Abdel Motelb for naturalization with foreign nationality without permission. (In Arabic).

<sup>36</sup> Ashoush, n.d., p. 181.

<sup>37</sup> Van Elst, R. (1983). *Droit international privé belge* (p. 18). Bruxelles. (In French).

<sup>38</sup> British Nationality Act 1981, as amended by the Immigration Act 2014; European University Institute. EUDO Citizenship Observatory. <http://eudo-citizenship.eu>.

<sup>39</sup> Egyptian Council of Ministers. (2020, December 24). Decision No. 48 of 2020 revoking the Egyptian nationality of Ghada Mohamed Nagieb Sabony due to conviction for a crime endangering state security. (In Arabic); Case concerning the revocation of the nationality of former President Mohamed Morsy following conviction in terrorism case No. 66360/70 J. (In Arabic).

<sup>40</sup> Lepoutre, J. (2017). La déchéance de la nationalité à l'épreuve de la Convention européenne des droits de l'homme. *Revue critique de droit international privé*, 3(3), 383; Cour européenne des droits de l'homme, No. 42387/13. (In French).

the Egyptian Nationality Law authorizes the revocation of nationality if a citizen is convicted of serious crimes against the state, such as espionage crimes,<sup>41</sup> and crimes that endanger the fundamental interests of the state.<sup>42</sup> Therefore, revoking nationality is not limited to terrorist acts only.<sup>43</sup>

In practice, the French Council of State recently confirmed the decision of the interior minister to revoke the nationality of some French citizens who were convicted of committing terrorist acts according to Article 421-2-1 of the criminal law.<sup>44</sup> Another important point to highlight is that the French Constitutional Council upheld the conformity of revoking nationality as long as the committed act is described as a terrorist crime or a misdemeanor.<sup>45</sup> On the other hand, the French Council of State reported that revoking nationality is in line with the European Convention on Human Rights.<sup>46</sup> Therefore, both the Council of State in Egypt and France agree on revoking nationality for those convicted of terrorist acts and endangering the fundamental interests of the state.<sup>47</sup> The French legislator regulated nationality revocation through Law No. 1119-2003<sup>48</sup> as a result of conviction for committing terrorist acts before acquiring French nationality, contrary to the constitution.<sup>49</sup> In this context, it is observed that French Law No. 46-2004 of January 23, 2004, aimed at combating terrorism, distinguishes between two cases for nationality revocation: the first involves committing terrorist acts, and the second involves harming the fundamental interests of France. However, the concept of fundamental interests is broad, and the government may abuse its interpretation to revoke the nationality of its political opponents.

The question that arises is whether the Interior Minister can revoke the nationality of French citizens who have been convicted in terrorist cases, whether they were judged by French courts or foreign courts abroad. To answer this question, upon consulting decisions of the Council of State, we found various cases of nationality

<sup>41</sup> Egyptian Council of Ministers. (2007, April 21). Decision revoking the Egyptian nationality of an Egyptian citizen sentenced to 15 years' imprisonment in an espionage case for the benefit of Israel. (In Arabic).

<sup>42</sup> Egyptian Council of Ministers. (2023). Decision No. 67 of 2023 revoking the Egyptian nationality of Fahed Khedir due to adherence to a foreign entity with the purpose of subverting the social and economic system of Egypt. (In Arabic).

<sup>43</sup> Egyptian Council of Ministers. (2017, June 29). Decision No. 2 of 2017 revoking the nationality of Wael Mosa Radwan due to conviction and sentencing to five years' imprisonment for theft. (In Arabic).

<sup>44</sup> Conseil d'État. (2023, February 10). Decision No. 458130. (In French).

<sup>45</sup> Conseil constitutionnel. (2015, January 23). Decision No. 2014-439 QPC. (In French).

<sup>46</sup> Conseil d'État. (2000, November 29). Decision No. 52273/18. (In French).

<sup>47</sup> Conseil d'État. (2015, May 11). Decision No. 383464. (May 11, 2015). (In French).

<sup>48</sup> France. (2003, November 26). Law No. 2003-1119 of November 26, 2003, on immigration control, the residence of foreigners in France, and nationality. (In French).

<sup>49</sup> Zalc, C. (2018). La déchéance de nationalité: Histoire d'une révision constitutionnelle ratée. *Pouvoirs*, 166(3), 45–57. (In French).

revocation for convictions in terrorist acts, whether committed on French territory or abroad, and whether the French citizens were judged by French or foreign courts. This may be attributed to the fact that the French legislator adopted universal criminal jurisdiction in serious crimes such as terrorism, human trafficking, and piracy, in line with the Egyptian legal system. To illustrate this point, we refer to recent judgments of the French Council of State that upheld the Interior Minister's decision to revoke the nationality of a French citizen sentenced to 3 years in prison for providing logistical and financial support to the terrorist organization in Syria, and aiding in the escape of two women from France to join terrorists in Syria.<sup>50</sup> In another case, the French Council of State upheld the decision to revoke the nationality of a French citizen sentenced to 6 years in prison for affiliating with a jihadist and radical organization in Syria and planning terrorist attacks.<sup>51</sup> Therefore, it can be said that adopting certain ideologies alone is not a sufficient reason for nationality revocation, as these ideologies do not necessarily have material manifestations constituting the elements of a crime. Most recently, the Council of State confirmed the revocation of nationality of a Chechen French citizen of Turkish origin who was sentenced to 10 years in prison for carrying out terrorist attacks on French territories.<sup>52</sup>

**e. Adhering to enemy troops in Egypt.** Among the enumerated reasons for nationality revocation within Article 16 of the Egyptian Nationality Law is adhering and serving in armed forces of an enemy to Egypt. This reason is based on the idea that nationality implies loyalty to the state to which a citizen belongs.<sup>53</sup> In this context, **the authors distinguish between two cases:**

- **The first case:** An Egyptian citizen becomes involved in the armed forces of a foreign country without prior permission from the Minister of Defense.

- **The second case:** An Egyptian citizen becomes involved in the armed forces of a foreign country with permission from the Minister of Defense, but his original state calls him to return and he disobeys the instructions. This is considered a reason for revoking nationality. The Egyptian administrative court confirmed the revocation of nationality for some Egyptian citizens who immigrated to Israel and joined its troops.<sup>54</sup>

In France, carrying arms against the French state or leaving French territories to join directly or indirectly a military organization outside French was considered a ground for

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<sup>50</sup> Conseil d'État. (2023, February 10). Decision No. 458130. (In French).

<sup>51</sup> Conseil d'État. (2022, June 22). Decision No. 455395. (In French).

<sup>52</sup> La Croix. (n.d.). [Title of the webpage unavailable]. <https://www.la-croix.com>. (In French).

<sup>53</sup> Kasem, M. E. (2003). The Egyptian nationality and citizenship cases: A study in the relationship between legal concepts and political considerations. In *Proceedings of the 17<sup>th</sup> Annual Conference, Cairo University, December 21–23, 2003* (p. 401). (In Arabic).

<sup>54</sup> Egyptian Administrative Court. (2009, May 19). Judgment in Case No. 15359/63 J., 1<sup>st</sup> Chamber. (In Arabic).

revoking nationality as stipulated in Article 1 of the law dated April 7, 1915.<sup>55</sup> Additionally, Article 8/4 of the French Civil Code of 1807 authorized the revocation of nationality if a French citizen adhered without permission to a foreign military formation.<sup>56</sup> The sixth reason for revoking nationality is adopting Zionist ideologies. This is a unique reason for revoking nationality in Egyptian Nationality Law. The Egyptian Supreme Administrative Court described Zionism as not a religion, but a material and spiritual bond established between a person who adopts these ideologies and Israel.<sup>57</sup> Merely embracing Zionism on Egyptian territory or abroad is considered a reason for revoking nationality. This strict stance on revoking nationality is attributed to the period of wars and armed conflicts between Egypt and Israel, with Israel continuously seeking to influence the minds of Egyptian youth. Revoking nationality was seen as a preventive measure against this influence. However, this reason for revoking nationality became less common after the ratification of the peace agreement (Camp David) in 1979. Since then, the most common reason for revoking nationality is endangering national security,<sup>58</sup> but the provisions of the agreement did not cancel the embracing of Zionist ideologies as a reason for revoking nationality.<sup>59</sup>

**f. Acquisition of nationality by fraud.** The revocation of nationality in Article 16 of the Egyptian Nationality Law pertains to acquiring nationality through the presentation of false documents. The Egyptian Supreme Administrative Court has stated that obtaining Egyptian nationality through the use of false documents does not confer a valid legal status and does not entitle the individual to Egyptian nationality, contrary to the constitution and the law.<sup>60</sup> The new legal status of citizenship obtained through fraudulent means is not protected by the passage of time and does not deserve the legal protections afforded to valid legal statuses.<sup>61</sup> The significance of nationality revocation due to fraud and falsification can be seen in the numerous cases of revocation in Egypt after January 25, 2011. It has been reported that the Egyptian Council of Ministers revoked Egyptian nationality in over 800 cases involving Palestinians who had fraudulently acquired it.

<sup>55</sup> Lepoutre, J. (2018). *Nationalité et souveraineté* (PhD thesis, p. 296). Université de Lille. (In French).

<sup>56</sup> Arzu, A. (2011). *L'acquisition et la perte de la nationalité française (1804–1927)* (PhD thesis, p. 161). Université Paris-Est. (In French).

<sup>57</sup> Egyptian Supreme Administrative Court. (1961, April 22). Judgment No. 1356/5 J. (In Arabic).

<sup>58</sup> El Grady, A. (2022). Retract and revocation of nationality in Egyptian and Kuwaiti law: A critical and analytical study. *Journal of Juridical Studies, Assiut University*, 58(1), 271. (In Arabic); Badawy, T., & Kh., A. (2005). *Rights of foreigners and obtaining nationality in Africa: Revision of nationality matter: Egypt as a case study* (p. 270). (In Arabic).

<sup>59</sup> Abdel Rahmein, N. I. (2022). *Private international law: Nationality* (p. 94). (In Arabic).

<sup>60</sup> Egyptian Supreme Administrative Court. (1992, December 20). Judgment in Challenge No. 3111/34 J. (In Arabic).

<sup>61</sup> Egyptian Supreme Administrative Court. (1976, June 29). Judgment in Challenge No. 14/18 J. (In Arabic).

Nationality revocation has serious effects on both the citizen and his/her family, particularly if his family acquired Egyptian nationality based on his/her nationality. Nationality revocation deprives the person and his/her family of all rights and privileges associated with nationality, such as political rights (voting and candidacy in representative elections, belonging to political parties) because these rights fall within the relationship between the ruler and his subordinates, economic rights (the right to work and hold positions in official jobs, the right to receive financial support from social security programs). Therefore, nationality revocation has been described as killing the future of the person whose nationality was revoked according to the Egyptian administrative court.<sup>62</sup> In France, the Council of State reported that nationality revocation has serious effects on all aspects of the person's life whose nationality was revoked.<sup>63</sup> This was a motive for subjecting nationality revocation to judicial control. On the other hand, nationality revocation does not justify anyone in the state to intervene in the personal life of those whose nationality was revoked.<sup>64</sup> This position was previously supported by the Council of State in several decisions that emphasized the right to privacy as a universal right that should not be stripped from the person whose nationality was revoked.<sup>65</sup> Additionally, nationality revocation has no retroactive effect.<sup>66</sup> Finally, the French Council of State described nationality revocation as an administrative sanction, so the revoking decision should be subject to judicial review before the competent courts.<sup>67</sup>

## 2. Juridical Control over Nationality Revocation Decisions

As the authors have pointed out, nationality revocation has serious effects on all aspects of a person's and his/her family's life. To ensure that administrative authorities do not abuse their discretion, revocation decisions are subject to judicial review before competent courts. These courts are determined by Article 10-7 of Law No. 47-72 regarding the Egyptian Council of State, which stipulates that the Council of State is competent to examine all nationality cases, whether in the form of preliminary or secondary cases, or annulment of administrative decisions related to granting or revoking nationality. It is settled that the Council of State is the only judicial body with jurisdiction over nationality disputes, given the close connection

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<sup>62</sup> Egyptian Supreme Administrative Court. (2009, May 19). Judgment in Case No. 4239/55 J. (In Arabic).

<sup>63</sup> Conseil d'État. (2007, September 26). Decision No. 301145, 2<sup>nd</sup> and 7<sup>th</sup> Subsections joined. (In French); Conseil d'État. (2015, May 11). M. Q., Decision No. 383664, para. 9. (In French).

<sup>64</sup> Conseil constitutionnel. (2015, January 23). Decision No. 2014-439 QPC. (In French).

<sup>65</sup> Conseil d'État. (2003, June 18). Decision of June 18, 2003. (In French); Conseil d'État. (1995, July 7). M'Bay. (In French).

<sup>66</sup> Lagarde, 2007.

<sup>67</sup> Conseil d'État. (2019, June 8). Decision No. 394348. (In French).

between nationality matters and public law. Therefore, the administrative jurisdiction excludes the competence of ordinary courts to examine nationality cases. This may be attributed to the fact that revocation decisions are administrative decisions,<sup>68</sup> as seen in several decisions of the Egyptian Supreme Administrative Court.<sup>69</sup> This judicial review concerns legality, not expediency, as the court verifies whether the revoking decision is in accordance with the law. In France, Article 61 of the French Nationality Law No. 1362-93, dated December 30, 1993, grants the Council of State the competence to examine challenges related to nationality, a competence confirmed by Article 29 of the Civil Law.<sup>70</sup> From the authors' perspective, the Council of State is competent to examine challenges in nationality cases due to the fact that nationality matters are more closely related to public law, as confirmed by judicial decisions that have pointed out the public law nature of nationality decisions.

Given the serious consequences of deprivation of nationality, the Egyptian legislator has introduced a number of procedural safeguards and substantive constraints on deprivation-of-nationality decisions, in order to prevent the administrative authority from abusing its discretionary power:<sup>71</sup>

1) The nationality revocation decision must be issued by the Council of Ministers upon the review of the interior minister. The abstention of the interior minister to review the matter before the ministers' council is considered a passive decision that can be challenged before the competent court.<sup>72</sup> For example, the administrative court dismissed the case that was filed to revoke the Egyptian nationality of Mohamed El Bradey, the previous manager of the International Atomic Energy Agency (IAEA). The court justified its decision by stating that there was no decision from the ministers' council, no indicators, and no material manifestations that Mohamed El Bradey endangered the fundamental interests of Egypt. Additionally, there was no decision preventing Mohamed El Bradey from working in this international organization, and he never disobeyed instructions from the Egyptian Government to stop working in this international organization, so the court declined the case.<sup>73</sup> In France, the situation is slightly different. Article 24-8 of civil law outlines the legal process for revoking nationality. The interior minister has the power to revoke nationality based on a motivated decision after consulting the opinion of the Council of State. If the

<sup>68</sup> El Baz, D. (2000). *Competence of the Council of State in the examination of nationality cases: A comparative study* (p. 39). Dar El Nahda. (In Arabic); Egyptian Supreme Administrative Court. (1989, February 4). Judgment No. 1840/33 J. (In Arabic).

<sup>69</sup> Egyptian Supreme Administrative Court. (1997, May 4). Judgment in Challenge No. 3351/37 J. (In Arabic).

<sup>70</sup> Frier, P.-L., & Petit, J. (2019). *Droit administratif* (12<sup>th</sup> ed., p. 651). LGDJ. (In French); Cour de cassation. (1919, June 21). Cass. civ., June 21, 1919. (In French).

<sup>71</sup> Egyptian Administrative Court. (2009, May 19). Judgment in Case No. 15359/63 J., 1<sup>st</sup> Chamber. (In Arabic).

<sup>72</sup> Egyptian Administrative Court. (n.d.). Judgment in Case No. 8672/64 J. (In Arabic).

<sup>73</sup> Dib, F. (2018). *Private international law* (p. 76). Syrian Virtual University. (In Arabic).

opinion of the Council of State is not accepted by the interior minister, he can refer the matter to the ministers' council. The revocation decision must be made after acquiring foreign nationality,<sup>74</sup> and obtaining naturalization documents should not be a basis for revoking nationality if these documents were not specifically prepared for acquiring foreign nationality; otherwise, the revoking decision would be tainted with a motive fault;

2) Another guarantee against nationality revocation is the right to challenge the revocation decision before the administrative court. These decisions are not considered acts of government, as some legal systems state.<sup>75</sup> In particular, the Egyptian Constitution prohibits to immunize any act or decision from judicial review,<sup>76</sup> which is considered one of the advantages of the 2014 constitution. This is in line with decisions of the French Constitutional Council, which have ruled that no decisions or acts should escape judicial review. The constitution is the norm or the framework within which all acts and decisions should be formed, and respecting all its norms is an essential rule;<sup>77</sup>

3) Judgments issued in nationality disputes have absolute authority, as an exception from the general rule.<sup>78</sup> The validity of these awards is not limited to the parties of the case, but this validity expands to all persons. Therefore, this case cannot be raised again. The Supreme Administrative Court criticized the previous awards that decided the relative authority for judgments in nationality case.<sup>79</sup> In France, the situation is similar. Article 136 of the nationality law reports the absolute authority for awards in all nationality cases, including retraction or revocation cases. It is worth mentioning that French courts applied the absolute authority of awards in nationality cases even in the absence of legislative texts. This can be illustrated by awards of the Cassation Court dating back to the last century,<sup>80</sup> indicating that courts are significantly involved in the legislation process and forming legal norms;

4) Statement of reasons for the revocation decision: In general, the motivation of decisions is the greatest guarantee as reported within Articles 15 and 16 of the Egyptian Nationality Law 26-75.

Therefore, a statement of reasons for the nationality revocation decision is mandatory. In this context, the court could verify the presence of facts upon which

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<sup>74</sup> Kuwaiti Court of Cassation, General Assembly. (2022). Decision considering matters related to nationality as acts of government not subject to judicial review. (In Arabic).

<sup>75</sup> Egyptian Constitution of 2014, as amended in 2019, Art. 97.

<sup>76</sup> Rousseau, D. (2008). *Droit du contentieux constitutionnel* (8<sup>th</sup> ed., p. 274). Montchrestien. (In French).

<sup>77</sup> Rousseau, 2008, p. 274.

<sup>78</sup> Favoreu, L., et al. (2008). *Droit constitutionnel* (11<sup>th</sup> ed., p. 302). Dalloz. (In French).

<sup>79</sup> Egyptian Supreme Administrative Court. (1965, May 1). Judgment in Challenge No. 1244/8 J. (In Arabic).

<sup>80</sup> Cour de cassation. (1949, May 24). Cass. civ., No. 329. (In French).

the decision of the Minister's Council revoking nationality was formulated; and if these facts justify the decision to revoke nationality. The administrative court held that the administrative authority did not provide any documents proving the legal or material status justifying the nationality revocation of the appellant.

The revocation decision is vitiated by defective reasoning and must be annulled.<sup>81</sup> The Supreme Administrative Court was decisive in this regard and held that revoking the nationality of the appellant due to providing documents issued from incompetent authorities abroad, not primary for acquiring a foreign nationality, is not a correct motive for revoking nationality. Therefore, the challenged decision must be canceled.<sup>82</sup> The Supreme Administrative Court in Egypt stated that the judge may obligate the government to disclose the motives of the revocation decision, and the appellant's challenge in the validity of the decision is sufficient to unsettle the validity presumption of the decision's motives. In this situation, the government must prove the validity of its decision, and if the government fails to justify its decision, the decision is not based on a correct motive that deserves to be annulled.<sup>83</sup>

Another requirement is that the motives of the revoking decision should be in harmony and not be contradicted. In France, the situation is more sophisticated. Article 61 of the Nationality Law No. 1361-93, dated December 30, 1993, stipulates that the Interior Minister must notify the appellant of the motives of nationality revocation and provide his comments on these motives within a month. After this period, the government may issue a motivated decision declaring the revocation of French nationality, which is challengeable before the Council of State. On the other hand, the Interior Minister may reconsider the revoking declaration in response to the citizen's persuasive reasons. To illustrate this guarantee, the French Council of State held that the administrative decision revoking the nationality of the appellant due to serving a foreign country and adhering to an international organization targeting French territories does not contain any facts upon which the decision is based. Therefore, this decision is tainted by a motive fault and must be annulled.<sup>84</sup> In revoking nationality due to committing terrorist acts, there is an apparent difference between the Egyptian and French systems. The French Council of State held that revocation of nationality due to committing terrorist acts, as reported within Article 421-2-1 of the penal law, must be a result of a final judgment with condemnation.<sup>85</sup>

On the contrary, Egyptian courts held that an accusation against the appellant of committing terrorist acts is sufficient to revoke nationality. This situation in

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<sup>81</sup> Egyptian Administrative Court. (2008, May 18). Judgment in Case No. 4230/55 J. (In Arabic).

<sup>82</sup> Egyptian Supreme Administrative Court. (1993, March 21). Judgment in Challenge No. 3741/33 J. (In Arabic).

<sup>83</sup> Egyptian Supreme Administrative Court. (1975, April 13). Judgment of April 13, 1975. (In Arabic).

<sup>84</sup> Conseil d'État. (2023, January 25). Decision No. 466223. (In French).

<sup>85</sup> Conseil d'État. (2023, February 10). Decision No. 458130, 2<sup>nd</sup> Chamber. (In French).

Egyptian jurisprudence violates the presumption of innocence of the appellant, as a mere accusation could not be a basis for revoking nationality and contradicts the constitutional right to a fair trial and the right to enjoy all guarantees of self-defense.<sup>86</sup> The other guarantee against abusive nationality revocation is the proportionality between the committed act that endangers the security of the state and nationality revocation. Qualifying the act as a terrorist act is not a standard for revoking nationality.<sup>87</sup> This is a logical matter, as proportionality removes the sanction from the legality circle to the illegality one.<sup>88</sup>

In a matter related to this guarantee, the French Council of Ministers submitted a draft law on December 23, 2015, to revoke nationality in cases where a citizen committed serious crimes that endanger the fundamental interests and national security. It is not necessary for these crimes to be described as terrorism crimes to overcome the proportionality problem.<sup>89</sup> However, this project did not receive acceptance from the National Assembly, as it was considered unconstitutional. One of the guarantees protecting revocation cases is publishing the pronouncement of the judgment in the official journal.<sup>90</sup> Every Egyptian could intervene in nationality cases if they have a serious and apparent interest, as interest is considered an essential element for filing a case, and nationality is a matter of public order related to the formation of the population in the Egyptian state.<sup>91</sup> There is a guarantee in the French Nationality Law No. 170-98, dated March 16, 1998, that revocation of nationality is invalid if it would render the appellant stateless, contrary to the 1961 convention regarding limiting cases of statelessness.<sup>92</sup> Therefore, the appellant could argue that revoking his nationality would make him stateless.<sup>93</sup>

The French Constitutional Council has highlighted this guarantee in several decisions.<sup>94</sup> However, to our knowledge, this guarantee is not found in the jurisdiction of the Egyptian Council of State, even though Egypt ratified the 1961 convention. Furthermore, Egyptian jurisdiction considers that the absence of a citizen abroad for a prolonged period is not a reasonable cause for revoking nationality or a presumption of voluntary surrender of nationality. The Supreme Administrative

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<sup>86</sup> Egyptian Constitution of 2014, Art. 96.

<sup>87</sup> European Court of Human Rights. (2017, February 7). *K2 v. The United Kingdom*. (In French).

<sup>88</sup> Rigaux, F., & Fallon, M. (2005). *Droit international privé* (p. 28). Larcier. (In French).

<sup>89</sup> Zalc, 2018.

<sup>90</sup> Egyptian Nationality Law No. 26 of 1975, Art. 22.

<sup>91</sup> Egyptian Supreme Administrative Court. (1992, December 27). Judgment in Challenge No. 2067/33 J. (In Arabic).

<sup>92</sup> Egyptian Supreme Administrative Court. (1976, June 26). Judgment in Challenge No. 437/16 J. (In Arabic).

<sup>93</sup> Lagarde, 2007.

<sup>94</sup> Conseil d'État. (2007, September 26). Decision No. 301967. (In French).

Court has ruled that the appellant's extended stay abroad to obtain a PhD degree is not a valid reason for nationality revocation, making the revocation decision illegal<sup>95</sup> and requiring its cancellation. Additionally, the reasons for nationality revocation are exclusively mentioned in Article 16 of the Egyptian Nationality Law No. 16-75. The government should not expand the application of these reasons for revoking nationality, as any such expansion would render the revocation decision null and void, similar to a non-motivated decision.<sup>96</sup> This guarantee is supported by a judgment of the Egyptian Administrative Court, which stated that the state can only establish conditions for granting and revoking nationality,<sup>97</sup> emphasizing the government's lack of discretion in granting or revoking nationality contrary to the law.<sup>98</sup> For this reason, the Administrative Court rejected a case seeking to revoke the nationality of the Egyptian feminist thinker Nawal El Saadawi based on her communist ideologies. The court held that corrupt and deviant ideologies are not among the cases for revoking nationality outlined in Article 16 of the Egyptian Nationality Law, making the decision of the Minister's Council to revoke her Egyptian nationality illegal.<sup>99</sup> Therefore, the decision of the Minister's Council to revoke her Egyptian nationality is illegal.<sup>100</sup>

On the other hand, two cases were filed to revoke the nationality of Gamal Mubarak, the son of the former president Hosni Mubarak, and Mohamed ElBaradei, the former director of the International Atomic Energy Agency (1997–2009) and professor of international law at Cairo University. However, the administrative court declined the cases, stating that the facts provided by the plaintiffs are not among the reasons for revocation listed in Article 16 of the Egyptian Nationality Law (26-75), which lists revocation reasons exclusively.<sup>101</sup> Finally, courts in both Egypt and France agreed that revoking nationality should depend on legal reasons, not political reasons. Revoking nationality should not be a disguised sanction for political aims,<sup>102</sup> as happened during certain periods of political life in Egypt particularly after June 30, 2013, when the country's ruling system was overthrown, and violent movements broke out on a wide scale in Egypt.

<sup>95</sup> Constitutional Court. (2022, December 22). Decision No. 113 of 2022. (In Arabic).

<sup>96</sup> Egyptian Supreme Administrative Court. (1982, May 15). Judgment in Challenge No. 1069/25 J. (In Arabic).

<sup>97</sup> Zamzem, A. M. (2019). Revoking nationality and endangering state security: Juridical perspective and confrontation mechanisms. *Juridical Journal*, 6(1), 3. (In Arabic).

<sup>98</sup> Egyptian Supreme Administrative Court. (2010, June 5). Judgment in Challenge No. 26969/55 J. (In Arabic).

<sup>99</sup> Egyptian Supreme Administrative Court. (1991, December 15). Judgment in Challenge No. 211/32 J. (In Arabic).

<sup>100</sup> Egyptian Administrative Court. (2008, May 13). Judgment in Case No. 15844/62 J. (In Arabic).

<sup>101</sup> Egyptian Administrative Court. (2017, May 13). Judgment in Case No. 8672/64 J. (In Arabic).

<sup>102</sup> Prats, C. (2024, April 5). Retirer la nationalité française aux djihadistes de Daesh en 15 jours, chiche? Que nous dit le droit aujourd'hui. *Dalloz Actualité*. (In French).

## Conclusion

Nationality is the legal and political bond that links a person to a specific state. The law specifies multiple grounds for revoking nationality and due to the negative consequences that revocation can have on the individual and those who acquire nationality by descent, it was necessary to surround the revocation of nationality with a set of guarantees that prevent administrative authorities from acting arbitrarily and misusing their powers in revoking nationality.

The authors provide some recommendations to address gaps in Egyptian Nationality Law as follows:

1. Article 16-3 of Egyptian Nationality Law No. 26 of 1975 should be amended. It could be revised to state, "*The Council of Ministers may revoke nationality if a citizen has been convicted by a final judgment for crimes against state security.*" This modification ensures that the presumption of innocence is only overturned by a final and definitive judgment, as the judgment is the determination of fact.

2. The Council of Ministers should not revoke the nationality of a citizen if its actions turn the citizen into a stateless person, in compliance with the provisions of the 1961 convention regarding the limitation of stateless person's cases.

3. The Egyptian legislator must modify Article 16-2 of Nationality Law to stipulate that "*servicing a foreign state*" instead of "*accepting serving a foreign state.*" The current formula considers the preliminary acts of serving a foreign state as a cause for revoking nationality, even if these acts do not endanger national security or the fundamental interests of the state that holds its nationality. Additionally, this new formula may give the individual another chance to give up his deviated ideas and preliminary acts.

4. This study also urges the Egyptian legislator to reform Article 24 of Nationality Law No. 26-75, which stipulates that the burden of nationality evidence should be on the shoulders of those who reclaim Egyptian nationality. This formulation contradicts the provisions of the evidence law, which state that the burden of proof is on the plaintiff, not the defendant.

5. The current study urges the Minister's Council in Egypt to seek the opinion of the Council of State before issuing a decision to revoke nationality. This prior control by the Council of State is necessary to avoid disturbances to legal status and the serious effects of nationality revocation, similar to Articles 23-7 and 23-8 of French Civil Law.

6. The French legislator must precisely define the "*fundamental interests of the state*" that are endangered by the citizen as a reason for nationality revocation. The current formula gives the Interior Minister and the Minister's Council wide discretionary power in revoking nationality, which may be subject to abuse.

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