



COI QUERY

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COI QUERY RESPONSE – EGYPT

Legislation on nationality and implementation

1. Legislation on nationality

Article 2 of the Law No. 26 of 1975 Concerning Egyptian Nationality, prescribed the following:

‘Shall be considered Egyptians:

1. Those who were born of Egyptian fathers.
2. Those who were born in Egypt of an Egyptian mother, and a father whose nationality is unknown or who is stateless.
3. Those who were born in Egypt, of an Egyptian mother but their kinship to the father has not been proved legally.
4. Those who were born in Egypt of unknown parents. A foundling in Egypt shall be considered as born in it, unless otherwise proved.’¹

Article 3 of the Law No. 26 of 1975, provided that:

‘Shall be considered as Egyptian whoever is born abroad, of an Egyptian mother, and of an unknown father, or a stateless father, or a rather whose nationality is unknown, if he choses the Egyptian nationality, within one year from the date he comes of age, provided he shall advise the Minister of Interior of his choses, after making his ordinary residence in Egypt, and the minister of Interior does not object thereto within one year from the date of the advice is received by the Minister.’²

However, in 2004, the 1975 Citizenship Law was amended to provide that children born to Egyptian mothers were Egyptian citizens regardless of their father’s status or their place of birth.³

Article 2 para.1 of the Law No. 26 of 1975, as amended by Law No.154 of 2004, prescribes that:

‘The following shall be Egyptian:

¹ Egypt, Law No. 26 of 1975 Concerning Egyptian Nationality, Official Journal No. 22, 29 May 1975, available at [url](#)

² Egypt, Law No. 26 of 1975 Concerning Egyptian Nationality, Official Journal No. 22, 29 May 1975, available at [url](#)

³ Manby, B., Citizenship Law in Africa, A Comparative Study, OSF, January 2016, [url](#), p. 71



1. Anyone who is born of an Egyptian father, or an Egyptian mother
2. Anyone who is born in Egypt from unknown parents. A foundling in Egypt shall be considered born in it unless otherwise established.⁴

Article 3 para. 1 of the 1975 Nationality Law, as amended, prescribes the following:

‘A person born to an Egyptian mother and non-Egyptian father before the effective date of the present law may announce to the minister of interior his wish to enjoy the Egyptian nationality. Such person shall be considered Egyptian by virtue of a decree to be issued by the minister, or with the lapse of one year from the date of such announcement without the issue of a substantiated refusal decree from the minister.’⁵

The Decree of the Interior Minister No. 12025/2004 was issued concerning certain provisions enforcing the Law No. 154 of the year 2004. Article 1 para. 2 of the Decree No. 12025/2004 stipulates the following:

‘Children of an Egyptian mother who were born to a non-Egyptian father before the date of enforcing the said law shall announce to the minister of interior the wish of each of them to enjoy the Egyptian nationality. Each of them shall be considered Egyptian with the issue of a relevant decree from the minister of interior, or with the lapse of one year from the date of announcing the wish without the issue of a substantiated refusal decision. This will result in enjoying the nationality by the minor children, while for the major children to enjoy it, the same foregoing procedures shall be followed.’⁶

In a 2012 article, Dr. Fatouh ElChazli, a professor at the Faculty of Law of Alexandria University⁷, noted the following:

‘The Decree contradicts the law it was issued to implement, because article 1 of the decree makes the procedures for enjoying the Egyptian nationality cover the children of an Egyptian mother born to a non-Egyptian father before or after the new law came into force, while the law did not make obtaining the nationality for children born after it came into force conditional on taking any procedures as is the case with the children of an Egyptian father.’⁸

Article 2 of the same decree provides that:

⁴ Egypt, Law No. 154/2004 Amending Certain Provisions of Law No.26 of 1975 Concerning Egyptian Nationality, Official Newspaper Issue No. 28, 14 July 2004, available at [url](#)

⁵ Egypt, Law No. 154/2004 Amending Certain Provisions of Law No.26 of 1975 Concerning Egyptian Nationality, Official Newspaper- Issue No. 28, 14 July 2004, available at [url](#)

⁶ Egypt, Ministry of Interior, Decree No. 12025 of the year 2004 concerning certain provisions enforcing the Law No. 154 of the year 2004 on Amendment of certain provisions of Law No. 26 of the year 1975 concerning Egyptian Nationality, Government Bulletin- Issue No. 166, 26 July 2004, [url](#)

⁷ ElChazli, F., Women’s Rights in the Nationality Laws, 2012, [url](#), p. 1

⁸ ElChazli, F., Women’s Rights in the Nationality Laws, 2012, [url](#), p. 16



‘All applications submitted in accordance with the provisions of law No. 154 of the year 2004 on amendment of certain provisions of law No. 26 of the year 1975 concerning the Egyptian Nationality shall be submitted to the Passports, Immigration and Nationality Administration (Nationality Section) to take the necessary steps in light of the rules prescribed in provisions of that law.’⁹

The United States Department of State (USDOS) country report for 2020 noted that ‘Children derive citizenship through their parents. The mother or the father transmits citizenship and nationality’¹⁰

1.1. Dual Nationality

Article 10 of Law 26 of 1975, provides the following:

‘An Egyptian may not acquire a foreign nationality except after obtaining a permission therefor, to be issued by decree of the Minister of Interior. Otherwise, he shall continue to be regarded in all cases as Egyptian from all points of view, unless the Council of Ministers decide to strip him of the nationality according to the provisions of article 16 of the present law.

An Egyptian who acquires a foreign nationality shall forfeit the Egyptian nationality, if he has been permitted to obtain the foreign nationality.

However, a permission to acquire a foreign nationality, may also comprise the permission for him, his wife and minor children, to retain the Egyptian nationality. If within a period not exceeding one year from the date he acquires the foreign nationality, he declares his wish to benefit thereby, they shall retain their Egyptian nationality, despite their acquiring the foreign nationality.’¹¹

According to a study on cases of revocation and loss of Egyptian citizenship, as cited in a 2016 study on citizenship law in Africa for the Open Societies Foundation (OSF), between 1998 and 2003, 26 individuals lost their nationality because they obtained foreign nationalities without the consent of the Egyptian government, while between 1986 and 2004, 7 196 individuals lost their Egyptian nationality after being allowed to obtain foreign nationalities. According to the same source there is the possibility to appeal the minister’s decision to revoke nationality with the Council of State.¹²

⁹ Egypt, Ministry of Interior, Decree No. 12025 of the year 2004 concerning certain provisions enforcing the Law No. 154 of the year 2004 on Amendment of certain provisions of Law No. 26 of the year 1975 concerning Egyptian Nationality, Government Bulletin- Issue No. 166, 26 July 2004, [url](#)

¹⁰ USDOS, 2020 Country Reports on Human Rights Practices: Egypt, 11 March 2020, [url](#)

¹¹ Egypt, Law No. 26 of 1975 Concerning Egyptian Nationality, Official Journal No. 22, 29 May 1975, available at [url](#)

¹² Khalil, A., Halat Isqat wa Zawal Al-Genseya Al-Misriya. (Cases of Revocation and Loss of Egyptian Citizenship), cited in Manby, B., Citizenship Law in Africa, A Comparative Study, OSF, January 2016, [url](#), p. 99

2. Implementation of the legislation on nationality, including for people born before the enactment of Law No. 154 of 2004

Prior to the 2004 amendment of the Egyptian nationality law, ‘the child of an Egyptian woman born outside the country could not be an Egyptian citizen from birth unless born out of wedlock or to a stateless or unknown father’.¹³

According to a 2006 article by Reem Leila, as cited in the above-mentioned study for OSF, ‘by 2006 it was estimated that 17 000 people had obtained nationality under these reforms, most of them born of Sudanese or Syrian fathers.’¹⁴ According to Dr. ElChazli, by 2012, no requests to grant the Egyptian nationality to the children of Egyptian mother from non-Egyptian fathers had been refused, ‘except for security reasons related to preserving the interests of the country, which is a legitimate right for any country’.¹⁵

The 2004 amendment to the 1975 Citizenship Law was excluding children of Palestinian fathers until the time of the so-called ‘Arab Spring’ events. In May 2011 the Minister of Interior issued the Decree 1231 of 2011 ‘allowing for Egyptian women married to Palestinian men to confer nationality to their children without the exclusion that was previously implemented’.¹⁶ According to a November 2011 article by the Global Citizenship Observatory, since July 2011, there has been an increase in the numbers of naturalisations of children of Palestinian fathers and Egyptian mothers born before the coming into force of Law 154/2004, based on article 3 of Law 154/2004.¹⁷

According to a 2013 report by the Women’s Refugee Commission, Egypt witnessed ‘positive implementation’ of the 2004 reform of the law concerning Egyptian citizenship. However the Commission identified some obstacles to the actual implementation of the law. Firstly, there have not been any government initiatives promoting awareness of the retroactive effect of the laws; such a knowledge gap was particularly pertinent in rural communities. Moreover, Egyptian women were required to provide their father’s and grandfather’s birth certificates to ensure that a child born before the 2004 reform could acquire the Egyptian nationality. Furthermore, there was only one office in the whole of Egypt, situated in Cairo, responsible for the procedures necessary for a child born before the reform of the law to acquire nationality from his or her mother. Lastly, ‘the decree for children of Palestinian fathers does not explicitly provide for retroactive effect and therefore children born before 2011 have generally not benefited from access to nationality in practice’.¹⁸ No recent information could be found on this regard.

¹³ Manby, B., Citizenship Law in Africa, A Comparative Study, OSF, January 2016, [url](#), p. 71

¹⁴ Reem, L., “Citizenship costs less,” Al Ahram Weekly Online, Issue 806, 3–9 August 2006 as cited in Manby, B., Citizenship Law in Africa, A Comparative Study, OSF, January 2016, [url](#), p. 71

¹⁵ ElChazli, F., Women’s Rights in the Nationality Laws, 2012, [url](#), p. 19

¹⁶ Malek, D., Report on Citizenship Law Egypt, GLOBALCIT, July 2021, [url](#)

¹⁷ Parolin, G., New policy on Egyptian citizenship for children of Palestinian fathers, GLOBALCIT, 24 November 2011, [url](#)

¹⁸ Women’s Refugee Commission, Our Motherland, Our Country: Gender Discrimination and Statelessness in the Middle East and North Africa, June 2013, [url](#), pp. 8-9



In its 2021 concluding observations, the United Nations Committee on the Elimination of Discrimination Against Women (CEDAW) expressed its concerns on the fact that ‘Egyptian women married to foreigners are still encountering obstacles in passing their nationality to their children’.¹⁹

¹⁹ CEDAW, : Concluding observations on the combined eighth to tenth periodic reports of Egypt [CEDAW/C/EGY/CO/8-10], 26 November 2021, [url](#), para. 31

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