

NEPAL CITIZENSHIP ACT 2063 (2006)

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Act No. 25 of the year 2063 (i.e. 2006)

**AN ACT ENACTED FOR AMMENDMENT AND INTEGRATION OF
MATTERS RELATING TO NEPAL CITIZENSHIP ACT:**

1. Short Title and Commencement:

- (i) The name of this Act shall be "Nepal Citizenship Act 2063 (2006 A.D.)".
- (ii) This Act shall come into force immediately.

2. Definition : Unless the subject or context otherwise requires, in this Act :

- (i) "Minor" – shall mean a person who has not attained the age of 16 years.
- (ii) "Person" – shall mean natural person.
- (iii) "Prescribed" or "As Prescribed" – shall mean prescribed or as prescribed in the rules made under this Act.

3. Acquisition of Nepali Citizenship by descent :

- (i) Any person born at the time when his father or mother is a citizen of Nepal, shall be a citizen of Nepal by descent.
- (ii) Whatever may be written in sub-clause (i), a child born out of wedlock by a Nepali female citizen to a foreign national shall be in accordance with clause 5, sub-clause (ii).
- (iii) Every child found in the territory of Nepal, whose paternal and maternal addresses are undetermined, shall be considered a citizen of Nepal by descent until its father or mother are found.

4. Acquisition of Nepali Citizenship by Birth :

- (i) Any person born before 2046 Chaitra 31, Bikram Sambat (i.e.13, April,1990 A.D.) within the territory of Nepal and having domiciled permanently in Nepal shall be deemed a citizen of Nepal by birth.
- (ii) A person desiring to obtain citizenship certificate pursuant to sub-clause (i) shall have to apply before holding of the election for Constituent Assembly and the procedure for granting of the Citizenship Certificate shall be as prescribed.
- (iii) In case a person, due to certain reasons, could not submit his application within the period specified in sub-clause (i) may apply as prescribed within two years from the commencement of this Act.

5. Acquisition of Citizenship by Naturalization:

- (i) A foreign women married to a citizen of Nepal desiring to obtain citizenship of Nepal shall have to submit an application in the prescribed form to the designated officer. On submitting such application she will have to produce the marriage relationship document with the citizen of Nepal and also evidence to show the initiation of procedure for renunciation of own's foreign citizenship.
- (ii) A child born to a Nepali female citizen from marriage with a foreign citizen in Nepal and having permanent domicile in Nepal may be granted naturalized citizenship as prescribed, provided the child has not acquired the citizenship of the foreign country on the basis of the citizenship of its father.
- (iii) A person desiring to acquire naturalized citizenship pursuant to sub-clause (ii) shall have to submit an application with the following documents to a designated authority:
 - (a) Duplicate copy of the citizenship certificate of the mother,

- (b) Recommendation by concerned Municipality or Village Development Committee certifying the birth and permanent residency in Nepal,
 - (c) Evidence to show that foreign citizenship has not been acquired based on the citizenship of the father.
- (iv) The Government of Nepal may grant naturalized citizenship as prescribed to those foreign citizens, who have contributed specially for the upliftment of science, philosophy, art, literature, world peace, human welfare or Nepalese industry, finance or social development and have fulfilled the following conditions or status :
- (a) able to read and write Nepali or any other language in practice in Nepal.
 - (b) is engaged in any occupation and domiciled in Nepal.
 - (c) has renounced or declared such renunciation of the citizenship of the other country.
 - (d) has resided in Nepal for a minimum period of 15 years.
 - (e) is a citizen of the country where there is provision of the law or practice to grant naturalized citizenship to Nepalese.
 - (f) bears good moral character
 - (g) is mentally fit and healthy.
- (v) Whatever may have been written in sub-clause (iv), from among the issues of the person, the child born to the person prior to that person having acquired citizenship by naturalization may also acquire Nepalese citizenship by naturalization in the prescribed form.
- (vi) Any person acquiring citizenship by naturalization by this clause shall take an oath as prescribed in the schedule and awarded the Nepalese citizen certificate in the prescribed form and such person shall be naturalized citizen of Nepal from the date of receiving such certificate.

6. Award of Honorary Nepalese Citizenship :

Whatever may be written on clause 5, the Government of Nepal may award Honorary Nepalese Citizenship to any internationally renowned person.

7. Citizenship in the case of accession of territory:

When any part of territory is integrated with Nepal, persons residing in such acceded territory shall be considered citizens of Nepal, from the date Government of Nepal publishes a notification as prescribed in the Nepal Gazette.

8. Filing of Application to obtain Citizenship Certificate :

- (i) A person attaining the age of 16 years desiring to acquire citizenship of Nepal by descent pursuant to Clause 3, shall have to file an application in the prescribed form along with copies of the following documents to the designated authority:
 - (a) Nepalese Citizenship Certificate of descendants of relatives within three generations from paternal or maternal or self side.
But, this provision shall not be applicable to Nepalese female citizen married to a foreigner.
 - (b) Recommendation from the concerned Village Development or Municipality certifying the place of birth and relationship.
- (ii) A person attaining the age of 16 years desiring to acquire Nepalese Citizenship Certificate by virtue of birth pursuant to Clause 4 shall have to file an application in the prescribed form along with copies of the following documents to the designated authority.
 - (a) Recommendation from the concerned Village Development Committee or Municipality certifying the birth in Nepal and residing permanently in Nepal.

- (b) An evidence showing Land Title Deed Ownership Certificate in the name of self or family or Certificate of Land Tilling Right or proof of house or listing of his name or the names of his father or mother in the Voters' list prepared by the Election Commission.
 - (iii) On receipt of the applications pursuant to sub-clause (i) or (ii), the designated authority shall award the Nepalese Citizenship Certificate, after evaluating and based on evidences as produced.
 - (iv) In the circumstance, where a person could not submit the evidences along with the application as prescribed in sub-clause (i) and (ii), the designated authority may award the Nepalese Citizenship Certificate based on the spot investigation and on the basis of identification at the time of spot investigation by at least three persons having obtained Nepalese Citizenship Certificate and residing in the same Ward and are acquainted with the applicant.
 - (v) While conducting the spot investigating in accordance with sub-clause (iv), the applicant must have been born in Nepal and stated clearly the fact of having lived in a permanent manner.
 - (vi) On investigation and evaluation pursuant to sub-clause (iii) or (iv), if any applicant is not found have been qualified to be awarded the Nepalese Citizenship Certificate, he shall be duly notified of the decision within the prescribed period.
9. Authority to issue Citizenship Certificate :
The authority to issue Nepalese Citizenship Certificate by descent, on the basis of birth or by naturalization, shall be vested on the designated authority.
10. Termination of Nepalese Citizenship
- (i) Any citizen of Nepal who voluntarily acquires the citizenship of any foreign country shall automatically lose the citizenship of Nepal.
 - (ii) The designated authority shall register the notice submitted by a citizen of Nepal, who notifies in the prescribed form of renunciation of the Citizenship of Nepal and the citizenship of that person shall be terminated from the date such notice has been duly registered.
 - (iii) Any person who has been divested of Nepalese citizenship pursuant to Clause 14, shall be deemed to have lost his citizenship from that date.
 - (iv) If any person who is in a status of acquiring the citizenships of Nepal and a foreign country concurrently, such person shall have to choose the citizenship of any one country within 2 years after attaining the age of 16 years. Failure to choose the citizenship in this manner shall be deemed for that person to have lost his Nepalese citizenship on expiry of that specified period.
 - (v) In case any question arises as to whether a Nepalese citizen has acquired a foreign citizenship or not, the designated authority shall make his decision pursuant to the prevailing laws.
11. Re-acquisition of Nepalese Citizenship :
Any Citizen of Nepal who has acquired foreign citizenship returns to reside in Nepal and submits a notification to the designated authority the evidence of renunciation of foreign citizenship shall be reinstated the Nepalese citizenship from the date of registering such evidence.
12. Revocation of Citizenship Certificate :
The designated authority shall revoke such Citizenship Certificate of any Nepalese citizen, if it is proven that such citizenship had been obtained on submission of false documentation.

13. Two Citizenship Certificates not to be acquired:
No person shall acquire more than one citizenship certificate.
But, there shall be no objection to issue another citizenship certificate by the concerned office on the basis of change of residency, if any person so desires, after due withdrawal of the first issued citizenship certificate.
14. Deprivation from Nepalese Citizenship.
(i) The Government of Nepal may issue directives to cancel the Nepalese Citizenship Certificate and to divest Nepalese citizenship of any foreign person who has been found proven to have fraudulently acquired Nepalese citizenship on submission of false documents and declaration.
(ii) Any person whose Nepalese Citizenship has been divested by a directive issued by the Government of Nepal in accordance with this clause may file an appeal to the concerned Appellate Court within thirty-five days.
15. Records of Citizenship Certificates to be maintained:
The system of maintaining the records of Nepalese Citizenship Certificates shall be in the prescribed form.
16. Rights, duties and liabilities not to absolve :
No citizen of Nepal whose citizenship is terminated for any reason, shall not be deemed to have been absolved of the rights, duties and liabilities incurred in relation to any act done during the period the person was a citizen of Nepal, only by reason of termination of the citizenship.
17. Correction of the Particulars :
(i) Any person desiring to correct the name, age, address or any particulars on one's Nepalese Citizenship Certificate, due to incorrectness, shall have to apply in the prescribed form to the designated authority.
(ii) The designated authority on receipt of the application pursuant to sub-clause (i) shall conduct an enquiry with witnesses as necessary and together with evidences obtained from such persons shall make the due correction and may grant another citizenship certificate after withdrawing the citizenship certificate awarded previously.
(iii) The designated authority on receipt of the application by married or divorced women for amendment of her family name, address or other particulars, may after verifying the necessary facts grant another citizenship certificate with amended family name, address or particulars and withdraw the first given citizenship certificate.
- Revision :
(a) Except where a different provision is provided for in this Act, any person who is aggrieved by a decree issued by a designated authority in accordance with this Act, may file a petition within thirty five days from the date such decree was issued with the Government of Nepal for revision of such decree.
(b) On receipt of the petition pursuant to sub-clause (a), the Government of Nepal may obtain a report from the designated authority issuing the decree and after reviewing the report may give its verdict or issue a decree and such verdict or decree shall be final.
19. Publication of Name list
Every year the names of the persons who have been divested of Nepalese Citizenship pursuant to Clause 14 shall be published in the Nepal gazette.

20. Delegation of Authority
- (i) The Government of Nepal may delegate the authority vested on itself pursuant to this Act to any officer in the Government of Nepal.
But, the authority to divest from Nepalese Citizenship pursuant to clause 14 shall not be delegated.
 - (ii) The designated authority authorized to distribute Citizenship Certificates pursuant to this Act may delegate the authority vested on him to any staff officer.
21. Penalty
- (i) Any foreign national who claims to be a Nepalese citizen and acquires Nepalese citizenship by giving false representation shall be sentenced to imprisonment from one year to five years or fined from fifty thousand rupees to one hundred thousand rupees or awarded both penalties. The citizenship acquired by false representation and having penalized pursuant to this clause, the citizenship thus acquired shall be automatically cancelled.
 - (ii) The person who was involved in the process of verification or recommendation in granting citizenship to any foreign national on false particulars shall be sentenced to imprisonment from six months to three years or fined from twenty five thousand rupees to fifty thousand rupees or awarded both penalties.
 - (iii) Any person who assists and begets false or forged Nepalese Citizenship Certificate and brings it in use shall be sentenced to imprisonment from one year to five years or fined from twenty thousand rupees to one hundred thousand rupees or awarded both penalties.
 - (iv) Any person who alters or makes correction and assists in such undertaking on the particulars of the original citizenship certificate shall be sentenced to imprisonment upto three months or fined upto ten thousand rupees or awarded both penalties.
 - (v) Any person who furnishes and acquires citizenship certificate on false representation pursuant to clause 12 or the amended particulars pursuant to clause 17 is proven to be false or commits and causes to commit any other offence in violation of this Act or the rules enacted under this Act shall be fined upto fifteen thousand rupees.
 - (vi) The issuing authority of Nepalese Citizenship Certificate intentionally or dis-honestly in violation of this Act and the rules enacted under this Act issues Citizenship Certificate or makes changes of the particulars in the Citizenship Certificate, then such authority or employee shall be subjected to departmental action as per the prevailing laws.
 - (vii) The person who undertakes or assists in any offences punishable under sub-clauses (i), (ii) and (iii) shall be awarded half the punishment as prescribed in those sub-clauses.
22. Appointment of Citizenship Batch (Committee):
- (i) If the Government of Nepal deems necessary, a Citizenship Certificate Distribution Batch may be appointed to distribute Citizenship Certificates.
 - (ii) The Batch appointed pursuant to sub-clause (i) shall distribute citizenship certificates within the directives authorized by the Government of Nepal.
23. Power to Frame Rules:
The Government of Nepal may frame necessary rules for the fulfillment of the objectives of this Act.
24. Repeal and Savings:
- (i) Nepal Citizenship Act, 2020 (1964) is hereby repealed.
 - (ii) All acts performed or actions taken under the repealed Act pursuant to sub-section (i) shall be deemed to have been performed or undertaken under this Act.