

NEPAL CITIZENSHIP ACT, 1964

History

- February 28, 1964 : First, Promulgated, Nepal Rajapatra, Vol. 13, No. 28 (E), Falgun 16, 2020
- July 19, 1967 : First, Amendment, Nepal Rajapatra, Vol. 17, No. 15 (E), Shrawan 4, 2024
- August 2, 1974 : Amendment by Judicial Administration (Reforms) Act, Nepal Rajapatra, Vol. 24, No. 19 (E), Shrawan 18, 2031
- July 25, 1976 : Amendment by Judicial Administration Reforms (First Amendment) Act 1976, Nepal Rajapatra, Vol. 26, No. 11 (E), Shrawan 10, 2033
- September 26, 1976 : Second Amendments, Nepal Rajapatra, Vol. 36, No. 21 (E), Aswin 10, 2033
- September 16, 1981 : Third Amendment Nepal Rajapatra, Vol. 31, No. 24 (E), Bhadra 31, 2038
- August 17, 1989 : Fourth Amendment, Nepal Rajapatra, Vol. 39, No. 24 (E), Bhadra 1, 2046
- May 30, 1991 : Amended by Judicial Administration Act, 1991, Nepal Rajapatra, Vol. 41, No. 11 (E), Jestha 16, 2048
- April 30, 1992 : Fifth Amendment, Nepal Rajapatra, Vol. 42, No. 2 (E), Baisakh 8, 2049

Consolidated Text

Preamble: Whereas it is expedient to amend and revalidate current Nepal law in order to make provisions in respect to acquisition and termination of Nepali citizenship, as well as other related matters.

Now therefore, His majesty King Mahendra Bir Birkram Shah Dev has promulgated this law on the advice and with the approval of the National Panchayat.

1. **Short Title and Commencement:**

- (1) This law may be called the **Nepal Citizenship Act. 1964.**
- (2) It shall come into force at once

2. **Definitions:**

Unless otherwise meant with reference to the subject or context, in this act,

- (a) **Minor** means a person who hasn't completed 16 years of age.
- (b) **Individual** doesn't include any corporate or non-corporate company, firm or group of individuals.
- (c) **Constitution** means the 1990 constitution of the Kingdom of Nepal.
- (d) (Deleted on September 26, 1976).
- (e) **Prescribed** or **as prescribed** means prescribed or in the manner prescribed in the rules framed under this act.

3. **Jus Sanguinis Acquisition of Nepali Citizenship**

- (1) In case the father of any person who is born after the commencement of this act is a citizen of Nepal at the time of the latter's birth, such person shall be a citizen of Nepal **jus sanguinis**.
- (2) (Deleted on September 26, 1976).
- (3) (Deleted on September 26, 1976).
- (4) Any child who is found within the territory of Nepal but the whereabouts of whose parents aren't known shall be deemed to be the citizen of Nepal **jus snaquinis** until the father of the child is traced.
- (5) Any minor born within a reasonable time father death of his father shall be deemed to retain the status of the father existing at the time of his father's death.

3A. **Application to be Submitted For Obtaining Certificate of Citizenship**

Any person who desires to obtain a certificate of Nepali citizenship under Article 8 or Clauses (1), (2) or (3) of Article 9 of the Constitution may submit form. On receipt of such application, the prescribed authority shall conduct investigations in the prescribed manner, and, in case be considers the applicant eligible for obtaining & certificate of citizenship, issue such certificate in the prescribed form.

4. (Deleted on September 26, 1976).
5. (Deleted on September 26, 1976).
6. Acquisition of Naturalized Nepali Citizenship
 - (1) In case any foreign national, other than a minor or an insane person, has fulfilled the following conditions and requirements, he may submit an application in the prescribed form to the prescribed authority for obtaining a certificate of Nepali citizenship.
 - (a) He can speak and write in the national language of Nepali.
 - (b) He is engaged in any occupation in Nepal.
 - (c) He has relinquished his citizenship of another state.
 - (d) He has resided in Nepal for at least 15 years.
 - (e) He is a citizen of a country where there is legal provision or a custom to provide naturalized citizenship to Nepali nationals: and
 - (f) He is of good conduct and character.
 - (2) In case a foreign woman who has matrimonial relations with a Nepali national desires to obtain Nepali citizenship, she must submit an application in the prescribed form to the prescribed authority. She shall enclose along with such application evidence of her matrimonial relations with a Nepali national, and of having initiated action to relinquish her foreign citizenship
 - (3) In case any person who is the son, daughter or descendant of any Nepali national mentioned in Clause (6) of Article 9 of the constitution desires to obtain the citizenship of Nepal, he must submit an application in the prescribed form to the prescribed authority along with evidence of having fulfilled the following conditions:
 - (a) He can speak and write in the national language of Nepali;
 - (b) He has relinquished the citizenship of another state;
 - (c) He has been residing in the kingdom of Nepal for the past two years with the intention of residing here permanent; and
 - (d) He is of good conduct, and character.
 - (4) The prescribed authority shall examine the particular mentioned in the applications submitted under Sub-Sections (1), (2) or (3). In the case he finds that the conditions and requirements mentioned in those Sub-

Sections have been fulfilled, he shall forward the applications to the Home Ministry of His Majesty's Government along with his recommendations.

- (5) Among the foreign nationals who have fulfilled the conditions mentioned in Sub-Section (1), His Majesty's Government may grant naturalized citizenship of Nepal on payment of the prescribed fees to persons who have rendered special contributions, or are capable of rendering such contributions, in the fields of science, philosophy, art, literature, world peace, and human welfare, or Nepal's industry and economic progress.
- (6) In case the persons who have submitted applications for obtaining Nepali citizenship under Sub-Section (2) and Sub-Section (3) appear to have fulfilled the conditions mentioned in those Sub-Section, His Majesty's Government may grant them naturalized citizenship of Nepal on payment of the prescribed fees.
- (7) His Majesty's Government may reject the applications submitted under Sub-Section (1) and Sub-Section (3) by indications any reason.
- (8) A person who obtains naturalised citizenship under this section shall be made to take oath in the form prescribed in the Schedule and granted a certificate of Nepali citizenship in the prescribed form. Such person shall be a naturalized citizen of Nepal with effect from the date when he obtains such certificate.

6A. Conferment of Honorary Nepali citizenship

- (1) Notwithstanding anything contained in section 6, His Majesty may grant honorary citizenship on the recommendation of His Majesty's Government to any person who has gained special reputation.
- (2) The person who has been granted honorary Nepali citizenship under Sub-Section (1) shall have the same status as a naturalized Nepali citizen.

6B. Acquisition of Nepali Citizenship by a person who has Relinquished Nepali Citizenship and Gone Aboard.

- (1) In case any person who has relinquished the citizenship of Nepal and gone abroad desires to relinquish such foreign citizenship and again become a citizen of Nepal, he must submit an application to the prescribed authority, along with evidence of his having been a citizen of Nepal previously, and also of having relinquished the citizenship of the foreign country subsequently.
- (2) The prescribed authority shall examine the applications filed for acquisition of Nepali citizenship under Sub-Section (1), and, in case he

finds the particulars corrects, forward them to the Home Ministry of His Majesty's Government along with his recommendations.

- (3) On receipt of the applications mentioned in Sub-Section (2), the Home Ministry of His Majesty's Government shall grant Nepali citizenship to the applications.

7. **Citizenship of Inhabitants of Merged Territories.**

In case any territory is acquired and merged into Nepal, the inhabitants thereof shall be deemed as citizens of Nepal with effect from the date and in the manner prescribed in the notifications published by His Majesty's Government, subject to the provisions of this act.

8. **Relinquishment of Nepali citizenship.**

In case any Nepali citizen notifies the prescribed authority, in the prescribed manner of his decision to relinquish Nepali citizenship, the prescribed authority may register such notice, and his Nepali citizenship shall cease to exist with effect from the date of such recording.

8A. **Restoration of Nepali citizenship**

In case any woman who is a Nepali citizen marries and alien end, by virtue of such marriage, acquires the citizenship of the country of her husband, but later relinquishes the citizenship of such country by reason of divorce from or death of her husband, returns to and resettles in Nepal, and gives a notice to that effect to the prescribed authority, the latter shall register such notice, and the Nepali citizenship of such woman shall be deemed to have been restored from the date of registration of such notice.

9. **Loss of Nepali citizenship**

- (1) The Nepali citizenship of any Nepali citizen shall automatically lapse on his acquiring the citizenship of any foreign country of his own will.
- (2) In case any person becomes a citizen of a foreign country as well as of Nepal at the same time by reason of birth and ***jus sanguinis***, he may choose the citizenship of either country within five years of reaching 16 years of age, In case he doesn't do so, his Nepali citizenship shall automatically lapse on the expiry of this time-limit.

Provided that persons who have acquired citizenship in this manner before the commencement of this act shall choose their citizenship before Chaitra 30, 2037 (April 12, 1981), or else their citizenship shall ***ipso facto*** lapse.

- (3) In case a question arises as to whether or not any citizen of Nepal has acquired the citizenship of any foreign country or when or how he has acquired such citizenship, the matter shall be decided by the prescribed authority in accordance with current Nepal law.

10. **Removal from Nepali Citizenship.**

- (1) In case His Majesty's Government, subject to the following provisions of this section, issues an order to remove any citizen of Nepal from his Nepali citizenship, his Nepali citizenship shall cease to exist.
- (2) His Majesty's Government may issue an order to remove any citizen of Nepal from his Nepali citizenship in the following circumstances:
 - (a) In case he raises or attempts to raise arms against Nepal or commits any other crime against the state; or
 - (b) In case he doesn't render or seek to render any service to the state in the manner specified by law during a war in which Nepal is also a participant, or when an emergency is declared in Nepal; or
 - (c) In case he provides any kind of help to an enemy state against Nepal.
- (3) His Majesty's Government may also issue an order to remove any naturalized citizens from his Nepali citizenship in the following circumstances:
 - (a) In case he has acquired Nepali citizenship by fraud or by submitting false statements or particulars:
 - (b) In case (any naturalized citizen), other than a son, daughter or a descendant of a Nepali national, has been residing generally outside of Nepal for a period exceeding seven years, except, when he has spent this period as a student in any educational institution, or in the services of His Majesty's Government organization which includes Nepal as a member, or has filed an application in Embassy indicating his desire to retain his Nepali citizenship.
- (3a) In case it is learnt that any person has obtained a certificate of Nepali citizenship on the basis of false particulars or statement claiming himself to be a Nepali citizen by birth or ***jus sanguinis***, His Majesty's Government may cancel such certificate and order his removal from Nepali citizenship.

- (4) An appeal may be filed with the Appellate Court against any order issued by His Majesty's Government under this Section removing any person from Nepali citizenship.

11. Duties, obligations and Rights not to Lapse.

After the termination of the Nepali citizenship of any citizen of Nepal, his duties, obligations and rights in respect to any function performed by him while he was a Nepali citizen shall not be deemed to have lapsed only by reason of such termination of his Nepali citizenship.

12. Review.

- (1) Unless otherwise provided for in other Sections of this act, in case any person is aggrieved as a result of the prescribed authority under this act, he may file a petition to His Majesty's Government for reconsidering such order, within 35 days from the date of issuance thereof.
- (2) After considering the petition filed under Sub-Section (1), as well as the report of the authority against whose order such petition is filed, His Majesty's Government may give its decision or issue an order, and such decision or order shall be final.

13. Publication of Names.

His Majesty's Government shall publish in the **Nepal Rajapatra** every year the names of persons who have been removed from Nepali citizenship under Section 10.

14. Delegation of Powers.

His Majesty's Government may delegate the powers vested in it under this act, other than the following powers, by notification in the **Nepal Rajapatra** to the authority designated in such notification, subject to such terms and condition and in such circumstances as may be prescribed therein.

- (a) Powers under Section 6, other than the power to grant naturalized Nepali citizenship to a foreign woman having matrimonial relations with a Nepali national.
- (b) The power to remove from Nepali citizenship under Section 10.

14A. Certificate of Citizenship Acquired Prior to the commencement of the 1963.

Certificates of citizenship acquired under the Constitution of Nepal and the 1952 Nepal Citizenship Act prior to the commencement of the 1963 Nepal.

Citizenship ordinance shall be issued by the prescribed authority in accordance with the prescribed procedure.

15. **Penalties.**

Any person who acquires or arrange for the acquisition of naturalized citizenship of Nepal, or of citizenship by birth or ***jus sanguinis*** of Nepal, on the basis of false particulars or statements, or wilfully submits false particulars or statements, or makes recommendations with the intention of doing so, or submits an application after submitting false particulars or statements with the intention of doing so, shall be punished with imprisonment for a term not exceeding five years, or with a term not exceeding five years, or with a fine not exceeding Rs. 10, 000, or with both.

16. **Power to Frame Rules.**

His Majesty's Government may frame such rules as may be necessary from time to time for the purpose of implementing the objectives of this act, and such rules shall come into force from the date of their publication in the **Nepal Rajapatra**.

17. **Consequences of inoperation of the 1963 Nepal Citizenship Ordinance.**

After the 1963 Nepal citizenship ordinance becomes inoperative, such inoperation shall not, unless otherwise intended,

- (a) Revive any matter not in existence at the time when the said ordinance became inoperative;
- (b) Affect any matter initiated under the said ordinance, or any function already performed or any, matter already undergone by fulfilling the formalities in accordance with the said ordinance;
- (c) Affect any title, privilege, duty or liability secured gained or enjoyed under the said ordinance.
- (d) Affect any penalty inflicted for any offence involving contravention of the said ordinance.
- (e) Affect any legal action or measure taken in respect to the aforesaid title, privilege, duty or liability or penalties, and any such legal action or measure may be initiated, continued or applied, and such penalty too may be inflicted, as if the said ordinance was still in force.

Schedule

(Pertaining to Sub-Section (8) of Section (6)

I, swear in the name of God/solemnly affirm that I shall discharge any as a citizen of Nepal with faith and allegiance to the Kingdom of Nepal and the 1990 Constitution of the Kingdom of Nepal.
