

Nepal Citizenship Regulation, 2006

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The Government of Nepal has framed these Rules in the exercise of powers conferred by Section 23 of the Nepal Citizenship Act 2006.

1. **Short title and commencement:**
 - 1) These Rules shall be called the "Nepal Citizenship Regulation, 2006".
 - 2) This Regulation shall come into force immediately.
2. **Definition:** In this Regulation, unless the subject or context requires otherwise:
 - a) "Act" shall mean the Nepal Citizenship Act, 2006.
 - b) "Ministry" shall mean the Ministry of Home of the Nepal Government.
 - c) "Local body" shall mean a Village Development Committee or Municipality established in accordance with existing law and this term shall also include a Sub-Metropolitan City and a Metropolitan City.
3. **Procedures for acquiring a citizenship certificate on the basis of descent:**
 - 1) A Nepalese citizen who has completed sixteen years of age and who seeks to obtain a Nepalese citizenship certificate on the basis of descent shall lodge an application in the format prescribed in Schedule-1 with the relevant Chief District Officer attaching the following documents:
 - a) Nepalese citizenship certificate of his mother or father or of a relative within three generations of ancestors,
 - b) Certification from the relevant local body indicating the birthplace and relationship or the birth registration certificate,
 - c) If a Nepalese citizenship certificate of a relative within three generations of ancestors is submitted in accordance with Clause (a), a relationship certificate mentioning his relationship with such relative.
 - 2) A Nepalese citizen who fails to attach the evidence mentioned in Sub-rule (1) with his application may be granted a Nepalese citizenship certificate on the basis of the following documents:
 - a) a field statement in the format prescribed in Schedule-3 from local residents who have already obtained a Nepalese citizenship certificate witnessed by representatives of local bodies stating that such person is a Nepalese citizen on the basis of a Nepalese citizenship certificate of his father or mother and that he was born in Nepal and residing permanently within the territory of Nepal,

- b) An identification made in the field in the format prescribed in Schedule-4 from three residents of the local Ward who have already obtained Nepalese citizenship certificates.

Provided that if the Citizenship Recommending Authority or the Citizenship Issuing Authority deems that the person who made an identification document did so improperly, such authority may carry out further investigations into the matter.

- 3) A person who has completed sixteen years of age and who is found in the territory of Nepal and whose maternity or paternity is unknown and who seeks to obtain a Nepalese citizenship certificate shall lodge an application in the format prescribed in Schedule-1 with the relevant Chief District Officer attaching the following documents:
 - a) If such person was raised in a Child Care Center recognized by the Nepal Government or an organization or institution for caring orphan children or an Orphan House, a certification from such institution,
 - b) If such person was raised by a person under the protection entitled in accordance with the law, the Nepalese citizenship certificate of such person,
 - c) Identification document made by the Chief of an institution mentioned in Clause (a) or an identification document made by the person providing care in accordance with Clause (b).
- 4) If it is necessary to attach further information in regards to the paternity or maternity of an applicant mentioned in Sub-rule (3), a certification from the local body or a police report as necessary may be ordered.
- 5) If an applicant is found eligible to acquire a Nepalese citizenship certificate on the basis of descent based on the review conducted of an application received in accordance with Sub-rule (1) or (3), he may be provided Nepalese citizenship certificate on the basis of descent.
- 6) The requirement for the name of the father or mother in the Nepalese citizenship certificate of a person whose maternity or paternity is unknown may be completed by indicating that his maternity or paternity is unknown and the name, caste and address of the guardian shall be mentioned.
- 7) A Nepalese citizenship certificate may be granted on the basis of the Registration Archive and the provisional certificate prepared by Citizenship Mobile Teams deployed before the commencement of this Regulation.
- 8) The list of persons who have applied for a Nepalese citizenship certificate in accordance with Sub-rule (2) shall be made public on the same day.

4. Procedures for acquiring Nepalese citizenship certificate on the basis of birth:

- 1) A Nepalese citizen who has completed sixteen years of age and who seeks to obtain a Nepalese citizenship certificate in accordance with Subsection (1) of Section 4 of the Act shall lodge an application in the

format prescribed in Schedule-1 with the relevant Chief District Officer attaching the following documents:

- a) A recommendation made by the relevant local bodies indicating that the applicant was born in Nepal and such person is continuously and permanently residing in Nepal,
- b) A Land Registration Certificate or Tenancy Certificate or Home Tax Paying Certificate in the name of his own or his family member or evidence indicating the inclusion of the name of his father or mother in the Electoral Roll prepared by the Election Commission.

Explanation: For the purpose of this Clause, the term "family" shall include father, mother, step mother, son, unmarried daughter, daughter in law, either living jointly or separately.

- 2) A person who seeks to obtain a Nepalese citizenship certificate in accordance with Sub-rule (1) shall lodge an application with the Chief District Officer before the election of the Constituent Assembly.
- 3) A person who fails to submit evidence mentioned in Sub-rule(1) may be granted a Nepalese citizenship certificate on the basis of the following documents in accordance with Subsection (4) of section 8 of the Act:
 - a) A field statement in the format prescribed in Schedule-5 from local residents who have already obtained a Nepalese citizenship certificate, witnessed by representatives of local bodies stating that the applicant was born in Nepal and such person is continuously and permanently residing within the territory of Nepal,
 - b) An identification document made in the field in the format prescribed in Schedule-6 from three residents of the local Ward who have already obtained Nepalese citizenship certificates.

Provided that if the Citizenship Recommending Authority or the Citizenship Issuing Authority deems that the person who made an identification document did so improperly such authority may carry out further investigations into the matter.

- 4) The Chief District Officer shall make a decision in regards to an application received in accordance with Subsection (3) of Section 4 of the Act within one month of the date of the registration of such application.
- 5) If a person is found eligible to acquire the Nepalese citizenship certificate on the basis of birth by the review conducted into an application received in accordance with Sub-rule (1) or (3), he may be granted a Nepalese citizenship certificate on the basis of birth.
- 6) The list of persons who have applied for a Nepalese citizenship certificate in accordance with Sub-rule (3) shall be published on the same day.

5. Procedures for acquiring naturalized Nepalese citizenship certificate on the basis of marital relationship:

- 1) A foreign woman who is married to a Nepalese citizen and who seeks to obtain a Nepalese citizenship certificate shall lodge an application in the format prescribed in Schedule-7 with the relevant Chief District Officer attaching the following documents:
 - a) A certification made by the relevant local bodies indicating her marital relationship with the Nepalese citizen,
 - b) A document indicating her actions taken to denounce her foreign citizenship.
 - 2) If an applicant is found eligible to acquire a naturalized Nepalese citizenship certificate by the review of her application received in accordance with Sub-rule (1) she shall be provided a Nepalese citizenship certificate.
6. **Information to be imparted to an applicant:** If an applicant is found not eligible to acquire a Nepalese citizenship certificate by the review of the application received in accordance with Rule 3 or 4, a decision on the matter shall be made within seven days and such person shall be informed of such decision.
7. **Other procedures to acquire naturalized Nepalese citizenship certificate:**
- 1) A child born to a Nepalese woman who is married to a foreigner shall lodge an application in the format prescribed in Schedule-7 with the Chief District Officer attaching the following documents:
 - a) A copy of the Nepalese citizenship certificate of his mother,
 - b) Certification from the relevant local body indicating his/her birth and permanent domicile in Nepal,
 - c) A document indicating that he has not acquired foreign citizenship on the basis of the citizenship of his/her father.
 - 2) A foreigner citizen who has completed the terms and conditions mentioned in Subsection (4) of Section 5 of the Act and who seeks to obtain a Nepalese citizenship certificate shall lodge an application in the format as prescribed in Schedule-7 with the relevant Chief District Officer attaching a certification from the relevant local body where he is residing.
 - 3) After receiving an application in accordance with Sub-rule (1) or (2), the Chief District Officer, if he deems necessary, may inquire with the Mayor of the relevant Municipality or the Chairperson of the Village Development Committee and if he finds that the applicant has fulfilled all of the terms and conditions mentioned in Subsection (4) of Section 5 of the Act, and shall forward such application to the Ministry including his opinion thereto.
 - 4) The Ministry may grant a naturalized Nepalese citizenship certificate in the format prescribed in Schedule-8 after conducting a review of the application received in accordance with Sub-rule (3).
 - 5) A child of a person who has acquired a naturalized Nepalese citizenship certificate in accordance with Subsection (5) of Section 5 of the Act who is born before the date of acquiring such Nepalese citizenship certificate and who seeks to obtain a

naturalized Nepalese citizenship certificate shall lodge an application with the Chief District Officer in the format as prescribed in the Schedule-7. The relationship certificate, copy of the citizenship certificate either of the father or mother and a certification from the local body indicating his domicile in Nepal shall be attached with such application.

- 6) If an applicant is found eligible to acquire a naturalized Nepalese citizenship certificate by the review of the application received in accordance with Sub-rule (5), he shall be granted the naturalized Nepalese citizenship certificate.

8. Officer to grant citizenship certificate:

- 1) The Chief District Officer shall have the power to grant a Nepalese citizenship certificate on the basis of descent and birth, a naturalized citizenship certificate on the basis of marital relationship, and a naturalized Nepalese citizenship certificate to a child of a person, who acquired a naturalized Nepalese citizenship certificate, who is born before the date he/she [parent] acquired such certificate.
- 2) The Chief District Officer may delegate his power to grant Nepalese citizenship certificates conferred on him in accordance with Sub-rule (1) to an officer working under him/her or the Chief of the team deployed by the Government of Nepal from time to time to grant citizenship certificates¹.
- 3) (Repealed²)
- 4) The authority to grant a naturalized Nepalese citizenship certificate other than the one mentioned in Sub-rule (1) shall remain with the Ministry.
- 5) The authority to grant an honorary Nepalese citizenship certificate in accordance with Section 6 of the Act shall remain with the Council of Ministers of the Nepal Government.
- 6) After making a decision to grant a Nepalese citizenship certificate in accordance with Sub-rule (5), the Ministry shall issue an honorary Nepalese citizenship certificate.
- 7) The Officer who is authorized to issue Nepalese citizenship certificates shall, when issuing a Nepalese citizenship certificate on the basis of descent or birth, do so in the format as prescribed in Schedule-2 and shall, when issuing a naturalized Nepalese citizenship certificate, do so in the format as prescribed in Schedule-9.

9. Procedures to denounce Nepalese citizenship certificate:

- 1) Any Nepalese citizen who wants to denounce his/her Nepalese citizenship shall lodge a notification in the format as prescribed in Schedule-9 with the relevant Chief District Officer if he/she is living

¹ Amended by the Nepal Citizenship(First Amendment) Regulation, 2007 published in the Nepal Gazette on 29/01/2007.

² Repealed by the Nepal Citizenship(First Amendment) Regulation, 2007. It provided that "Notwithstanding anything provided by Sub-rule (1) the Chief District Officer may delegate his authority to grant the Nepalese citizenship certificate on the basis of descent or birth to the Chief of a team deployed by the Nepal Government from time to time for the purpose of providing citizenship certificate".

in Nepal, and with the relevant Nepalese Ambassador or Chief of diplomatic agency or Consul or Consul-General if he/she is living abroad attaching an original copy of his/her Nepalese citizenship certificate.

- 2) If such notification in accordance with Sub-rule (1) has been lodged in a foreign country the Nepalese Ambassador or Chief of diplomatic agency or Consul or Consul-General shall, within seven days, write to the Ministry through the Ministry of Foreign Affairs including all details.
- 3) The Ministry shall forward the notification received in accordance with Sub-rule (2) to the relevant Chief District Officer.
- 4) The Chief District Officer, after receiving a notification in accordance with Sub-rule (1), shall register such notification in the registry in the format prescribed in Schedule-10 and the citizenship of such person shall cease from the date of such registration.

10. **Decision making authority:** If a question is raised as to whether or not a Nepalese citizen has acquired the citizenship of a foreign country in accordance with Subsection (5) of Section 10 of the Act, the Ministry shall make a decision in this regard.

11. **Procedures to re-obtain Nepalese citizenship certificate:**

- 1) Any person who has denounced Nepalese citizenship and who seeks to re-obtain a Nepalese citizenship certificate shall lodge an application in the format as prescribed in Schedule-11 with the Ministry or the Chief District Officer who had issued his Nepalese citizenship certificate attaching the denouncement of his foreign citizenship.
- 2) After receiving an application in accordance with Sub-rule (1) the officer referred to in Rule 8 shall give information in the format prescribed in Schedule-12 of the registration of the application, and shall issue a Nepalese citizenship certificate including all details of his original Nepalese citizenship certificate.

12. **Procedures to nullify Nepalese citizenship certificate:** If it is proved that a person has acquired a Nepalese citizenship certificate providing false information stated in Section 12 of the Act, the following bodies shall nullify such Nepalese citizenship certificate:

- a) The Ministry, if it was issued by the Ministry,
- b) The relevant Chief District Officer, if it was issued by the Chief District Officer or other office,
- c) The Chief District Officer shall notify the Office of the Regional Administration and the Ministry of the nullification of the Nepalese citizenship certificate.

13. **Keeping records of Nepalese citizenship certificate:** The records of the Nepalese citizenship certificates under Section 15 of the Act shall be kept as follows:

- a) All information related to a citizenship shall be systematically documented and such information may be documented in electronic medium.

- b) The offices of Chief District Officers shall submit monthly reports of the distribution of citizenship certificates to the Regional Administration Office and the Ministry.

14. Procedures to correct particulars:

- 1) Any person who seeks to correct any detail mentioned in his/her Nepalese citizenship certificate in accordance with Subsections (1) and (3) of Section 3 of the Act, shall lodge an application with the Ministry or the Chief District Officer.
- 2) If an application for the correction or amendment to any detail is lodged in accordance with Sub-rule (1), the Ministry or the Chief District Officer shall inquire as necessary in accordance with Subsection (2) of Section 17 of the Act and withdraw his/her previous citizenship certificate and shall issue another citizenship certificate with the correction.

15. Citizenship team to be deployed:

- 1) The Nepal Government may deploy teams for the purpose of distributing Nepalese citizenship certificates in accordance with Subsection (1) of Section 22 of the Act.
- 2) When deploying teams in accordance with Sub-rule (1), the chief of the team must be at least a third class gazetted officer and other staff members of the team shall be from the civil service.
- 3) The teams deployed in accordance with Sub-rule (1) shall, subject to the instructions given by the Nepal Government, grant Nepalese citizenship certificates in accordance with Subsection (2) of Section 22 of the Act.
- 4) A person who is aggrieved by a decision made by the team deployed in accordance with Sub-rule (1) to refuse to grant a Nepalese citizenship certificate shall lodge an application with the Chief District Officer within thirty days. The decision made by the Chief District Officer in this regard shall be final.
- 5) The citizenship certificate distribution team shall keep records of minors who did not acquire citizenship certificates and persons who attained majority but failed to obtain certificates during the deployment of the team.

16. Procedures for acquiring Nepalese citizenship certificate by a family member of employees:

- 1) If a family member of a civil servant seeks to obtain a Nepalese citizenship certificate from the District Administration Office of the district in which such civil servant is working, he/she shall lodge an application in the format prescribed in Schedule -1 with the Chief District Officer attaching the following documents:
 - a) The Nepalese citizenship certificate of his father or mother,
 - b) A certification from the office in which the civil servant is working,
 - c) The Nepalese citizenship certificate of the husband and the marriage registration certificate if the application concerns a married woman.

- 2) A Nepalese citizenship certificate shall be granted based on the documents received in accordance with Sub-rule (1), and the record of such citizenship certificate shall be kept in the office issuing such certificate and information shall be imparted to the District Administration Office of the district in which such person has permanent domicile.

Explanations:

- 1) For the purpose of this Rule, the term "civil servant shall mean civil servant or personnel of corporations or teachers or professors who are paid from the treasury of the Nepal Government.
 - 2) "family" means husband, wife, son, unmarried daughter, adopted son, unmarried adopted daughter, father, mother, and step-mother and this term shall include the grandfather or grandmother in regards to an unmarried woman civil servant, and grandfather-in-law and the grandmother-in-law in regards to a married woman civil servant.
17. Provisions regarding the guidelines and procedures: The Ministry may, subject to the Act and this Regulation, issue guidelines and frame procedures if necessary and promulgate them.
18. Alteration to Schedules: The Nepal Government may alter or add or reduce Schedules upon publishing a notification in the Nepal Gazette.
19. Repeal and Saving:
- 1) The Nepal Citizenship Regulation 2049 has been repealed.
 - 2) The acts and proceedings carried out in accordance with the Nepal Citizenship Regulation 2049 shall be deemed to have been carried out in accordance with this Regulation.

(Translator's Note: The Regulation contains Schedule-1 to Schedule-12 which have not been translated)