Non-Resident Nepali Rules, 2066

Date of publication in Nepal Gazette

2066-05-22 (7 Sept. 2009)

In exercise of the power conferred in Section 18 of the Non-Resident Nepali Act, 2064 the Government of Nepal has formulated the following Rules,

Chapter-1

Preliminary

- **Short title and commencement:** (1) These Rules may be called as "Non-resident Nepali Rules, 2066 (2009)."
 - (2) These Rules shall come into force immediately.
- **Definition:** Unless the subject or the context otherwise requires, in these Rules, -
 - (a) "Act" means the Non-Resident Nepali Act, 2064 (2008).
 - (b) "Mission" means the Nepali embassies situated in foreign countries and this word also refers the permanent mission of Nepal for the United Nations or the Consulate General of Nepal situated in foreign land.
 - (c) "Chief of Mission" means the person employed (assigned) as a chief employee in the mission and the word also refer to the employee assigned to take care of his functions in his absent.
 - (d) "Ministry" means Ministry of Foreign Affairs.
 - (e) "Secretary" means Secretary of the Ministry.

- (f) "Association" means Non-resident Nepali Association registered pursuant to Rule 12.
 - (g) "Statute/Constitution" means the statute/constitution of the Association.

Chapter-2

Provision on Registration and Identity Card

3. Application has to be submitted for registration of Name: (1)

Any non-resident Nepali or his/her family if intends to register his/her name as in the status of non-resident Nepali, shall submit the application pursuant to Schedule-1, before the Chief of Mission if abroad and before the Secretary if in Nepal.

- (2) While submitting the application under Sub-rule (1), the fees prescribed pursuant to Schedule-2 shall be attached.
- 4. Name has be registered and Identity card shall be issued: (1) While examining the application received pursuant to Rule 3 by the Chief of Mission, Secretary or officer designed by him/her, if the application and other attached documents prove appropriateness to register the name of the applicant, then the name shall be registered as a non-resident Nepali within the Seven days of the receipt of application and such record shall be maintained according to the format prescribed in Schedule-3.
 - (2) After Registering the Name and maintaining the record pursuant to Sub-rule (1), and collecting the fees as prescribed in Schedule-4, an identity card shall be issued to such Non-resident Nepali in the format prescribed in Schedule-5.
 - (3) While making examination pursuant to Sub-rule (1), if the applicant's name is not found appropriate to register then denial for the

registration of applicant's name can be made by explaining the reason for such denial.

- (4) If the denial for registration of the name under Sub-rule (3) has to be made, then the notice of such denial with the reason shall be given to the applicant.
- 5. <u>Valid period for Identity Card and Renewal:</u> (1) The identity card issued under the Rule 4 shall remain valid for maximum ten years in case of a foreign citizen of Nepalese origin, and for a period of two years in case of Nepalese citizen residing aboard, pursuant to Subsection (3) of Section 4 of the Act.
 - (2) A Non-resident Nepali, who intends to renew identity card shall submit an application to the chief of mission or secretary in the format prescribed in Schedule-6 prior to expiry of the valid period of the identity card.
 - (3) If an application is submitted pursuant to Sub-rule (2) the chief of mission or secretary shall, upon collecting the fee prescribed in Schedule-4, renew the identity card without exceeding the period prescribed pursuant to Sub-section (3) of Section 4 of the Act at once.
- **Cancellation (Revocation) of Identity Card:** (1) The identity card deemed to be cancelled in the following situation:-
 - (a) If *ipso facto* cancelled pursuant to Section 17 of the Act.
 - (b) If the valid period of the identity card has been expired.
 - (2) The identity card issuing Authority may cancel the identity card at any time, if it is found that false information had submitted to obtain the identity card.

- (3) Before canceling the identity cad pursuant to Sub-rule (2), an opportunity to produce (present) his/her clarification shall be provided to the concerned non-resident Nepali.
- 7. Changed details/information shall be informed: (1) If the details/information submitted with the application for registration of name as non-resident Nepali pursuant to Sub-rule (1) of Rule 4 has been changed, such non-resident Nepali shall provide the information of such change to the chief of mission or secretary within the Three months.
 - (2) On the basis of the information received pursuant to Sub-rule (1) chief of mission or secretary shall keep the updated record as maintained pursuant to Sub-rule (1) of Rule 4.

Chapter-3

Provisions related to Investment and Privileges

- 8. <u>Information about Investment shall be provided</u>: (1) A non-resident Nepali who makes investment in Nepal shall provide information about the investment which has been made by him/her, to the ministry in the format prescribed in Schedule-7.
 - (2) The information received pursuant to Sub-rule (1) shall be written in the record maintained pursuant to Sub-rule (1) of Rule 4 and the ministry shall give the information of such investment to the department of Industry.
- 9. Certificate of Capital investment shall be received: A non-resident Nepali who brings the capital investment in Nepal pursuant to Section 7 of the Act, if intends to receive the certificate of such investment, the bank which transfers such capital investment in Nepal shall issue the certificate in the format prescribed in Schedule-8 to the concerned person.

- Provisions related to the repatriation of money: (1) A non-resident Nepali who intends to repatriate the investment and the amount of his equivalent to the profit earned (made /received)) pursuant to Section 9 of the Act shall submit an application before the secretary attaching the following details and documents:
 - (a) Copy of permission taken for investment pursuant to the Act,
 - (b) Decision of the board of directors of concerned company or agency regarding the repatriation of investment,
 - (c) Copy of tax clearance certificate,
 - (d) Audited Balance sheet of the fiscal years, previous to the fiscal year in which application for repatriation has been made,
 - (e) Copy of evidence for paid up of the liability or loan of any person or agency if such loan or liability has been made,
 - (f) The name, branch and address of the Bank which has to be used for repatriation,
 - (g) Letter of affidavit, declaring that there is not any due on any type of revenue or loan that have to be paid back to anybody or any liability have to paid back in Nepal.
 - (2) If the application pursuant to Sub-rule (1) has submitted, the secretary shall give the permission for repatriation of money under the provision of the Act in such a manner that in case of the investment made by a non-resident Nepali in convertible foreign currency at once or time to time and in full or partial basis and in case of profit made out of such investment, the amount equivalent to such profit at once.

- 11. Facilities and concession for foreign citizen of Nepali origin: (1)
 Subject to the provision contained in Sub-rule (3) and (4), any foreign
 citizen of Nepali origin may purchase any land in any one of the region
 and not exceeding the following area, in order to reside within Nepal for
 him/her self or his/her own family in Nepal:-
 - (a) Maximum 2 *Ropani*, in Kathmandu Valley,
 - (b) Maximum 8 *Kattha*, in municipalities of the terai district.
 - (c) Maximum 4 *Ropani*, in other municipalities except mentioned in (a) and (b),
 - (d) One *Bigaha*, in village development committees of the terai district, except mentioned in part (b), or
 - (e) 10 Ropani, in other areas except mentioned in (a),(b), (c) and (d).
 - (2) The provisions of Sub-rule (1) does not prevail if any foreign citizen of Nepali origin has received any immovable property in the status of a Nepali citizen.
 - (3) Any foreign citizen of Nepali origin if intends to purchase the land or the other property pursuant to the Section 10 of the Act and Subrule (1), shall submit an application mentioning the location, area and the price that has been fixed for the purpose of purchase of the land which he/she intends to purchase in his/her own or his/her family's name,
 - (4) If the application has to be submitted pursuant to Sub-rule (3), the secretary shall give the permission to purchase the land and other immovable property within Nepal, in the name of the applicant or

his/her own family after making inquiry and ensuring that nothing has been against the Act or these Rules.

- (5) After receiving the permission pursuant to Sub-rule (4), the concerned office responsible for the registration pass (transfer deed) of the land shall make the registration of the land in the name of the foreign citizen of Nepali origin who has been intended to purchase the land and other property in his/her own or his/her family's name, subject to the provisions of the Act and there Rules.
- (6) Notwithstanding anything contained in the prevailing law, a person supposed to receive the identity card pursuant to the Act or these Rules shall not be liable to pay the visa fee.
- (7) Notwithstanding anything contained anywhere in these Rules, purchase of immovable property pursuant to the Act or these Rules shall not create further rights except those provided by the Act or these Rules.
- (8)Concerned land revenue office shall issue the blue colored certificate while issuing a land owner certificate of immovable property pursuant to these Rules.

Chapter-4

Provisions Related to Association

12 <u>Provision related to Registration and Renewal of Association:</u>

(1) Those intending to make registration of an association for the purpose of Sub-section (1) of Section 16 of the Act, at least Fifty non-resident Nepalese from at least Twenty Five countries shall submit an application attached with Five Thousand Rupees for registration fees and following details, before the ministry.

- (a) Objectives of the Association,
- (b) The name, family name and address of those intending to make registration of an Association,
- (c) Copies of identity card of the Non-resident Nepalese mentioned in Part (b),
- (d) Details of officials of the Executive Committee of the Association,
- (e) Economic Resources of the Association,
- (f) Place, were the office of the association has to be situated,
 - (g) Three copies of the constitution (Statute) of the proposed association signed by non-resident Nepalese who intends to make registration of the association.
- (2) On the examination (inquiry) of the application and the statue receive pursuant to Sub-rule (1) if the ministry found that it is appropriate to make registration of the Association, registration shall be made and a certificate of registration shall be issued in the format prescribed by the ministry.
- (3) If the registration of the association is made pursuant to these Rules, one attested coy of the statute shall be provided to the applicants with issuing the certificate of registration.
- (4) The registration of the Association shall be renewed in every ten years after paying the fees prescribed pursuant to Sub-rule (1).
- **13.** General/Assembly of the Association: (1) The statute shall include the provision that the General Assembly of the Association shall be held at least once in two years.

- (2) The other Assembly and other provisions related to the General Assembly of the Association shall be made according to the provisions of the statute of the Association.
- **14.** <u>Account and Audit of the Association</u>: (1) The account of income and expenditure of association shall be kept according to the account system adopted by the Government of Nepal.
 - (2) The audit of the account of the association shall be held by a registered auditor appointed by the general assembly of the association.
 - (3) The auditor mentioned in Sub-rule (2) shall every year submit one copy of the Audit report presented after auditing the account of the Association in the ministry.
- The dissolution (liquidation) of Association and its consequences: (1) If the Association has been dissolved (liquidated) due to inability to perform the functions prescribed by the statute of the Association or any other reason, the remaining property of the Association shall be transferred to the Government of Nepal.
 - (2) If the dissolution has been taken pursuant to Sub-rule (1), then in case of the liability of the Association the Government of Nepal shall take the liability within the limit of the property of the Association.
- **16. Supervision:** (1) The ministry may supervise the account and functions of the association.
 - (2) If it seeks the need of any reform in the functions and procedures of the Association during the supervision, the Ministry shall issue required directives.
 - (3) It shall be the duty of the Association to follow the directive issued pursuant to Sub-rule (2).

Chapter-5

Miscellaneous

- **17.** Functions, Duties and Power of Advisory Board: (1) The functions, duties and power of the advisory abroad constituted pursuant to Sub-section (1) of the Section 15 of the Act shall be as follows:
 - (a) To provide the advice and suggestion to the government of Nepal on the matter of the policies to be adopted in relation to non-resident Nepali,
 - (b) To identify the attractive sectors of investment for non-resident Nepalese and to provide suggestion to motivate the non-resident Nepalese to invest in such sectors,
 - (c) To identify the role of non-resident Nepali in the construction and operation of infrastructure and over all development of Nepal and to promote and encourage their investment and cooperation.
 - (d) To provide suggestion to the Government of Nepal about the legal, policy and organizational reforms that have to be adopted to make the non-resident Nepali's investment secure, sustainable and long lasting,
 - (e) To provide suggestion to the Government of Nepal on the solutions that has to be adopted to resolve obstacles and problems faced in relation to the implementation of the Act and these Rules,

- (g) To recommend the actions that has to be taken in order to maintain the good relationship among the non-resident Nepalese,
- (g) To provide the suggestions on the policies that has to be adopted by the Government of Nepal to keep the cultural unity of the non-resident Nepalese abroad.
- (2) The meeting of the advisory board constituted pursuant to Sub-section of Section 15 of the Act and other procedures related to it, shall prevails, as determined by the Board itself.
- (3) The advisory board, constituted pursuant to Sub-section (1) of Section 15 of the Act shall submit the report of the completed activities to the Government of Nepal every year and the Government of Nepal shall make such report public if needed.
- **18.** <u>Central database (record) have to be maintained:</u> Each mission shall send the details related to the name registration, identity card issuance and renewal of it in time to time to the ministry of Industry.
 - (2) The details received pursuant to Sub-rule (1) and also including the details related to the investment pursuant to Rule 8, the Ministry shall maintain (establish) an integrated and central database (record) of the non-resident Nepalese and shall keep it updated.
- **19.** Change and alteration in Schedule have to be made: Ministry may change or alter the Schedule by publishing a notice in Nepal Gazette.

(Related to Sub-rule (1) of Rule)

Format for the application for name registration in the status

of a non-resident Nepalese

Part-A

For the purpose of Nepalese Citizen residing aboard

The Chief of Mission/Secretary	465
	COMMENTER
I, hereby, mentioned the follow	wing details and attached the documents
submitting this application to registe	er my name as a nonresident Nepalese
pursuant to Sub-section (1) of Section	on 3 of the Non-resident Nepalese Act,
2064 and Sub-rule (1) of the Rule 3 of	the Non-resident Nepalese Rules, 2066.
1. Applicants,-(a) Name, surname:	
(b) Permanent Address in No.	epal:
(c) Father/Mother's name, su	urname and address:
(d) Age:	
(e) Citizenship Certificate N	Io., Issued District and Date:
(f) Nepalese Passport Numb	per:

(g) Name, Place and Date of Passport issuing office: 2. Residing foreign country, -(a) Name and address; The date starting to reside on that country: (b) (If more than one country, mention continuously) 3. If residing aboard engaging in an occupation or business,-(a) Details of the occupation or business (mention engaged occupation or business aboard continuously): Present occupation or business registered country and place: (b) Average Annual Transaction (US\$): (c) 4. If employed aboard,employment (continuously (a) Details of mention employment aboard): Existing (Present) employing Agency/organization: (b) (c) Address of Present employer: The duration of staring date in the present organization and (d) tentative terminating date and duration: Monthly/ annual salary and other benefits: (e) 5. If working in an international organization,-Name of the organization: (a) (b) Working country:

(c)	Working place:
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- (d) Worked period and future working period:
- (e) Salary received from the organization:
- 6. Knowledge, Experience or Skill Acquired Aboard:
- 7. Intended Sector for Investment in Nepal and Estimated Investment:

Applicant's,-

Signature.....

Date

Attached Documents:

- 1. Copy of Nepalese Citizenship Certificate
- 2. Copy of Nepalese Passport
- 3. If residing abroad engaging in any business, the documents related to the registration of that business.
- 4. If residing aboard engaging in an occupation or employment, the documents verifying it.
- 5. If working in any International Organization, the appointment letter of the organization the documents explaining present work status
- 6. Two Copies of recently taken passport size photos 1

Part- (B)

For the foreign citizen of Nepalese origin

Shree Chi	et of Mis	sion/Secretary
I, l	nereby, n	nentioned the following details and attached the following
document	s, submit	tting this application to register my name as a non-resident
Nepalese	pursuant	to Sub-section (1) of Section 3 of the Non-resident Nepalese
Act, 2064	and Sub	-rule (1) of Rule 3 of the Non-resident Nepalese Rules, 2066.
1. Ap	plicants,-	
(a)	Name	e, Surname:
(b)	Fathe	er/mother's Name, Surname and Address:
(c)	Age:	
(d)	Passp	oort Number:
(e)	Passp	port Issuing:
	(1)	Country:
	(2)	Name of the Issuing Office:
	(3)	Place:

	(4)	Passport Number and Date of Issue:
	(5)	Valid period for the Passport:
	(f)	If the Nepalese citizenship has been renounced, the address before renouncing the Nepalese Citizenship:-
	(g)	If the Nepalese citizenship has been renounced-
		(1) Renounced citizenship number:-
		(2) Renounced citizenship issuing District:
		(3) Renounced Date:-
	(h)	If close relatives are in Nepal, their detail-
		(1) Name, Surname:
		(2) Address:
		(3) Citizenship No.:
2.	Residing Co	untry's-
	(a) Name	and Address:
	(b) Starti	ng date to reside on that country:
	(If the	ere is more than one country, mention continuously)
3.	If residing b	y engaging in any occupations, business or employment in
	the country of	of residence,-
	(a) Detail	Is of occupation, business or employment,

- (b) Country and place of existing occupation, business or employment:
- (c) Average Annual transaction or income (in US \$):
- 4. Acquired knowledge, experience or Skill:
- 5. Intended Sector for investment in Nepal and Estimated Investment:

Applicant's-Signature:
Date:

Attached Documents:

- 1. Documents verifying the citizenship of country of residence,
- 2. If the citizenship of Nepal has been renounced the evidence of such renunciation,
- 3. Citizenship certificate No. of father/mother/ grandfather/ grandmother, District or the documents showing (verifying) that he/she has been the citizen of Nepal,
- 4. If engaged in any occupation or business out of Nepal in any country, the documents related to the registration of the business,
- 5. If engaged in any employment out of Nepal in any country, the documents verifying such,
- 6. Two copies of recently taken passport size photos.

(Related to Sub-rule (2) of Rule 3)

The fees required to register the name as a non resident Nepalese

COMMISSION COMMISSION (a) In Nepal-1500.00 Rupees.

(b)

(Related to Sub-rule (1) of Rule 4)

Photo

Record related to non-resident Nepalese

	(a) for Nepalese Citizen residing aboard																		
S.N.		Nepalese citizen residing Aboard Foreign Country Details of related occupation or business engaged abroad				or skill acquired	nas been made in Nepal Project Name	nent	annual transaction	ment	gistration	0.	D card						
1.	Name, Sumame	Address in Nepal	Father's name, sumame and address	Age	Citizenship certificate No., issued date and district	country's name and address	Date started to reside in that country	Details of the occupation or business	occupation or business registration country and place	Average annual transaction	Knowledge ,experience aboard	If any investment has been till date Project l	Total Investment	Average annual tr	Total employment	Date of Name Registration	ID Card No	Valid Date for ID	Remarks
							Q >												
							<u> </u>												

Verifying officer's-Name, surname Designation Signature-Date

Photo

	(b) or foreign citizen of Nepalese origin																				
S. N.	Foreign citizen of Nepalese origin			resi	sently iding ntries	oc bu emp	ngaged cupation siness of loyment esiding	on or it in	Experience or Skill			tmen till da		date		ıte					
1.	Name, surname	Permanent Address in Nepal	Fathers' name, surname and address	Close relative in Nepal name, surname, address and relation	Age	If Nepalese citizenship has been renunciated citizenship No. District and Date of renunciation	Father, mother, grandparent, whoever is Nepalese citizen his/her name address & citizenship No.	Name of the country and address	Date staring to residing on that country	Details of occupation Business or employment	Country and place engaged for business or employment	Average annual transaction	Acquired Knowledge Exper	Name of Project	Total Investment	Average Annual Transaction	Total Employment	Name registered or	I.D. and No.	I.D. Card valid date	Remarks
							7														
																					1

Verifying officers': Name, Surname:-

Designation:-

Signature:-Date:

(Related to Sub-rule (2) of Rule 4 and Sub-rule 3 of Rule 5)

Required fees for identity card and renewal

1. For the foreign citizens of Nepalese origin:

- (a) For Europe, North America, South
 America, Countries in the Australian
 Continent, New Zealand, Japan and Korea
 of Asian Continent
 500 US \$
- (b) For countries other than those mentioned in part (a) 250 US \$
- 2. For the Nepalese citizen residing aboard 50 US \$

¹Schedule -5

Annex-1

(Related to Sub-rule (2) of Rule 4)

Part (a)

Non Resident Nepali (Foreign citizen of Nepalese origin)							
8	Identity Card		Photo				
Governmen	nt of Nepal						
Identity Ca	rd No.						
Valid perio	od ID:						
Name, surr	name:						
Nationality	<i>:</i> :						
Country of	residence and address:	I.D. Card Issuing	g Authority				
		Signature:					
		Name:					
Foreign cit	izenship obtained on						
Date:		Designation:					
Passport N	0.:	Office & Seal:					
Signature of	of the card holder	Date:					

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Changed by the notice of MOFA in Nepal Gazette of date 2066/09/27

Part (b)



Non Resident Nepali

(Foreign National of Nepali origin)

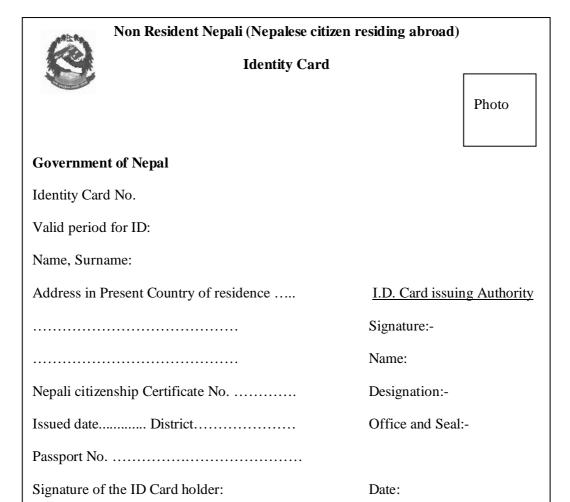
Identity Card

Photo

Government of Nepal	
ID Card No.	
Valid until:	
Name:	
Nationality:	
Country of residence and Address:	ID. Card Issuing Authority
	Signature:
	Name:
Foreign Citizenship obtained on	Designation:
Passport No.:	Office & Seal:
Signature of the card holder	Date:

Annex-2

Part (a)



Part (b)

0

Non Resident Nepali (Nepalese citizen residing abroad)

Identity Card

		Photo
Government of Nepal		
Identity Card No.		
Valid period for ID:		
Name, Surname:		
Address in Present Country of residence	I.D. Card issuin	g Authority
	Signature:-	
	Name:	
Nepali citizenship Certificate No	Designation:-	
Issued date District	Office and Seal	
Passport No.		
Signature of the ID Card holder:	Date:	

(Related to Sub-rule (2) of Rule 5)

Format of the application for renewal of Identity Card

The Chief of Mission/Secretary									
The	e ident	tity card of non-resident Nepali received o	n date						
pursua	oursuant to Sub-section (1) of Section 4 of the Non-resident Nepali Act, 2064								
and S	nd Sub-rule (1) of Rule 4 of Non-resident Nepali Rules, 2066 has been								
expirii	ng on d	late, I, hereby, applying for t	he renewal of the						
identit	ty card	mentioning the following details and attach	ing the following						
docum	nents.								
1.	Applic	cant's-							
	(a)	Name, Surname:-							
	(b)	Address of place of residence:							
	(c)	For the Nepali citizen residing abroad, his/her a	ddress in Nepal:						
2.	Presen	t occupation, business or employment							
3.	Date o	of registration and registration							
	numbe	er, registered as non-resident Nepalese:							
4.	Previo	us Identity Card No.:							
5.	The pe	eriod requested for the renewal of the Identity Ca	ard:						
			Applicant's- Signature:						

Date:- ...

Attached Documents:

In case of Nepali citizen residing abroad,-

- 1. Copy of certificate of Nepali citizenship.
- 2. Copy of Nepali Passport.
- 3. If engaged in any occupation or business aboard, documents related to registration of such occupation or business.
- 4. If employed aboard documents related to it.
- 5. If employed (working) in an international organization or Agency, the appointment letter of the organization and documents, verifying such employment.
- 6. Copy of old identity card

In case of foreign citizen of Nepali origin,-

- 1. Documents showing the citizenship of the country of residence.
- 2. If Nepali citizenship has been renounced, the evidence of renunciation of that citizenship.
- Father/mother/grandfather/grandmothers citizenship certificate No, District or the documents showing that he/she is Nepali citizen.

- 4. If engaged in any occupation or business in any country out of Nepal, documents related to registration of such business.
- 5. If engaged in any occupation or employment in any country out of Nepal the documents related to it.
- 6. Copy of the old Identity Card.

THR ALLIA

(Related to Sub-rule (1) of Rule 8)

(Format providing information on investment)

1.	Investor /company's name:	
2.	Non-resident Nepali Identity Card	l No:
3	Place and Address:	
4.	License No.:	
5.	Approved Date:	
6.	Sector of Investment:	
7.	Investment Amount:	
8.	Total Capital:	
	I PA	<u>Informing Non-resident Nepali's, -</u>
		Signature:-
		Name, Surname:
		Date:-

(E	(Related to Rule 9)	N1 f4h - I44
(Forn	mat for Certificate of entering the capital in	_
	Bank	
	, Nepal	I
	_	
1.	Name, Surname, and Address of the Non-re	esident Nepali:
2.	Non/-resident Nepali identity Card No. :	
3.	Name of the Industry/Company Investing in	n Nepal:
4.	Industry/Company's,-	
	(a) Authorized capital:	11/50
	(b) Paid Capital:	All I
5.	Investment by Non-resident Nepali	
	(a) Amount (Money):	
	(b) Percentage:	
6.	Amount entered for the investment:	
7.	The name of the foreign bank remitting thand Date of remit:	ne amount (Money) in Nepal
	It is, hereby, attested that the foreign curren been deposited in this Bank.	icy as mentioned above has
	Attesting	g Authority's,-
	Si	gnature
	Na	ame:
	Do	esignation:
	O	ffice name and seal
	Da	ate:
Refere	rence:	
Depar	rtment of Industry	