

# A Comparative Analysis of Nepal's Citizenship Law from the Perspective of Dual Citizenship

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## Abstract

This article presents a comparative study of Nepali citizenship law in relation to dual citizenship. Dual citizenship means that a person holds the citizenship of two countries simultaneously. The main purpose of this article is to determine whether the citizenship law of Nepal adopts a mono-citizenship policy or a dual-citizenship policy. The study examines Nepali citizenship law in the context of birth, marriage, residence, treaty, and default scenarios that may lead to dual citizenship. It includes a comparative analysis of the Nepali Citizenship Act (1952), Nepal Citizenship Act (1964), and Nepal Citizenship Act (2006). Additionally, examples of constitutions and citizenship laws from different countries are presented to support the arguments. The study finds that dual citizenship can arise from the aforementioned grounds, as well as from the reacquisition of citizenship, honorary citizenship, and non-resident citizenship.

## Keywords:

descent, double citizenship, double nationality, jus sanguinis, jus soli, nationality, naturalization.

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## Introduction

The terms 'citizen' and 'citizenship' are likely familiar to most people. Why are these words so well known? If they are, what do they mean? According to Rout [1], a citizen is a member of a state who enjoys all the rights and privileges granted by it and also fulfills their duties and obligations toward the state and other associations within it. If a citizen is a member of a state, then what is citizenship? Defining citizenship, Vinod and Deshpande [2] claim that citizenship is often defined as membership in a political community and is usually understood as a set of interlinking political, social, cultural, and economic rights and obligations. Thus, the word 'citizen' denotes a member of a state, while 'citizenship' refers to member-

ship in a state.

In the previous Paragraphs, we discussed the meaning of citizen and citizenship, let's move on the meaning of dual citizenship. This term is also known as dual nationality, multiple citizenship, or multiple nationality. The frequency of dual citizenship is increasing today. According to Article 2(b) of the European Convention on Nationality of 1997, 'multiple nationality' refers to the simultaneous possession of two or more nationalities by an individual [3]. Similarly, Faist and Gerdes in 2008 defined dual citizenship as when 'individuals combine citizenship in and of two nation-states. In principle, individuals may hold even more than two citizenships; hence the terms "multiple" or "plural" citizenship' [4].

Additionally, Tanasoca in 2018 notes that an increasing number of people today are 'multiple citizens'—individuals who belong to, and have membership rights in, more than one state [5]. Thus, dual citizenship refers to an individual holding the citizenship of two countries, and the frequency of dual citizenship is increasing.

If citizenship is membership of the state, then another question arises regarding how this membership is distributed. Who enacts the citizenship law? Are states free to frame citizenship laws? Can another country interfere in the creation of the citizenship law of one country? Can the United Nations pressure any country to create a citizenship law? The Convention on Certain Questions Relating to the Conflict of Nationality Laws of 1930, Article 1, the first multilateral treaty on nationality agreed upon by states, asserts that each state has the authority to define who its nationals are according to its own laws [6]. This determination must be acknowledged by other states as long as it aligns with international conventions, customary international law, and widely accepted legal principles on nationality. Similarly, the European Convention on Nationality [3], Article 3, Paragraph A also reads that states are free to formulate their own citizenship laws. Since states are sovereign, they are free to make their own laws, including citizenship law. Neither other countries nor the United Nations Organization can interfere in the lawmaking process of any sovereign nation. The international conventions had addressed the states' authority in establishing internal citizenship laws.

As discussed earlier, every country worldwide has its own citizenship laws, and Nepal is no exception, possessing its distinct law governing citizenship. Nepal has a history of citizenship spanning nearly seven decades [7]. This history began with the Nepali Citizenship Act of 1952 [8], which was subsequently replaced by the Nepal Citizenship Act, 1964 [9]. Later, this Act was repealed by the Nepal Citizenship Act in 2006 [10]. Presently, the Nepal Citizenship Act of 2006 is in force, governing Nepal's citizenship regime. This Act includes all provisions to regulate citizenship regime of Nepal. Thus, Nepal's citizenship laws have got changes time and again, all of which incorporate provisions for citizenship acquisition, loss, multiple citizenship and other necessary provisions.

While discussing citizenship, it is important to bear in mind two terms commonly used in this area of law: citizenship and nationality. This article uses the terms interchangeably, which may cause confusion for the reader; therefore, clarification is necessary. Mentzelopoulou and Dumbrava in 2018 explain that citizenship and nationality often refer to the legal bond between an individual and a state. Nationality is the preferred legal term in international law, whereas citizenship is more commonly used in domestic law to describe the rights, duties, and practices associated with this formal status [11]. Similarly, Boll [12] noted, "This is important not only because

citizenship status is closely related to nationality" (p. 77). Likewise, according to Spiro [13] 'nationality' and 'citizenship' are now used interchangeably, they once had distinct meanings. Based on these definitions, citizenship and nationality, both in the past and today, are not exactly the same concepts, though they are closely related and often overlap. In international law and conventions, 'nationality' is preferred, whereas municipal laws tend to use the term 'citizenship.' In this article, these terms have been used interchangeably.

This article analyzes the provisions relating to dual citizenship in Nepal, spanning from the first citizenship law of 1952 [8] to the current citizenship law [10]. While conducting this analysis, separate examinations have been undertaken concerning the basis of acquisition of dual citizenship by birth, marriage, naturalization, treaty, and by default. This study specifically investigates whether Nepali citizenship law supports the policy of dual citizenship and whether there is compatibility between the law and its practice.

## Objective of the Study

To conduct a comparative analysis of Nepal's citizenship law, with a specific focus on dual citizenship.

## Methods of the study

A comparative analysis of Nepal's citizenship law from the perspective of dual citizenship is a theoretical study is based on the laws regarding citizenship in Nepal and compares the Nepali Citizenship Act of 1952 [8], Nepal Citizenship Act of 1964 [14], and Nepal Citizenship Act of 2006 [10]. While comparing different subject matters, examples from other countries, particularly focusing on dual citizenship, will be provided. We gathered information from Nepali laws and citizenship laws from various countries around the world. A qualitative methodology was applied to gather and analyze the data.

## Concept of acquiring dual citizenship

If dual citizenship is a state in which a person holds citizenship in more than one country, then what factors contribute to the emergence of this situation? According to the United States Office of Personnel Management Investigations Service of 2001 [15], dual citizenship can arise primarily through by birth, marriage, naturalization, treaties and by default. In discussing the conditions under which dual citizenship occurs by birth, Hingorani in 1993 [16] explained that dual nationality may arise in the case of an individual born not in their parents' country, but in a foreign nation. Consequently, they may acquire the nationality of the country of their birth through jus

*solis*, while also inheriting the nationality of their parents' country through *jus sanguinis*. For an example, if a children of Nepali parents are born in America, they acquire Nepali citizenship through *jus sanguinis* and US citizenship through *jus soli*. A scenario of dual citizenship arises solely when children born to parents from another country are born in a nation that confers citizenship based on *jus soli*. If the country of birth does not have laws granting citizenship through *jus soli*, dual citizenship does not occur. Taking the reverse of the aforementioned example, if children are born in Nepal to an American parent, dual citizenship does not arise according to Nepal's prevailing citizenship law, as prevailing Nepali citizenship law does not confer citizenship on the basis of *jus soli*. According to the Nepal Citizenship Act of 2006 [10], Section 3 (1), if a person's father or mother is a citizen of Nepal at the time of their birth, such a person will be a citizen of Nepal by descent. Similarly, the American Immigration and Nationality Act of 1965 [17], Section 301(a) states that a person born in the United States, and subject to its jurisdiction, shall be a national and citizen of the United States at birth. Therefore, if a child who obtains citizenship by descent is born in a country where citizenship is granted by *jus soli*, that child can acquire citizenship in both countries, thereby creating a situation of dual citizenship based on birth.

Dual citizenship by birth is not only acquired through the combination of *jus sanguinis* and *jus soli*, but also through *jus sanguinis* alone as well. In this context, if the father and mother are from different countries, their children can obtain citizenship from both countries through their father and mother. According to the Nepal Citizenship Act of 2006, Section 5 (2), children born to a Nepali citizen woman married to a foreign citizen can be granted naturalized citizenship if they have permanent residence in Nepal and have not taken citizenship of a foreign country based on their father's citizenship [10].

Likewise, according to Article 23 (2) of the Constitution of the Republic of Honduras of 1982 [18], those born abroad to a Honduran father or mother are citizens of Honduras. Thus, considering the citizenship laws of Nepal and Honduras, it seems that children of a Nepali mother and a Honduran father can be citizens of both Nepal and Honduras, whether born in Nepal, Honduras, or elsewhere in the world. Similarly, children of a Honduran father or mother and a Nepali father or mother can be citizens of both countries, whether they are born in Nepal, Honduras, or elsewhere in the world. In this way, the situation of dual citizenship can be created solely based on *jus sanguinis*. Another situation where dual citizenship can occur after birth is through marriage. In such cases, dual citizenship arises when a person automatically gains their spouse's citizenship upon marriage. If a spouse relocates to another country after marriage and that country automatically grants citizenship upon marriage, dual citizenship arises. Although obtaining

such citizenship is normally voluntary and not automatic, if there are no conditions requiring renunciation of the original citizenship, dual citizenship results. However, some countries may legally mandate renunciation of prior citizenship to obtain citizenship in the new country; in such cases, dual citizenship would not be possible. For example, if a Nepali woman or a woman from another country marries a Cape Verdean man, she automatically acquires citizenship according to the laws of Cape Verde. In such a case, her citizenship existing before the marriage does not need to be renounced. According to the United States Office of Personnel Management Investigations Service [15], a person who marries a citizen of Cape Verde is automatically eligible for citizenship upon request (p. 47). In this way, the situation of dual citizenship can be created through marriage.

Another situation in which dual citizenship is created after birth and marriage is naturalization. According to this situation, a person acquires the citizenship of the destination country based on residence or financial criteria. In such cases, if there is no requirement to renounce the citizenship of the former country, dual citizenship arises. However, dual citizenship does not occur if the citizenship is obtained in a country where renunciation of the former citizenship is mandatory. In such instances, even if the law of the former country includes provisions for acquiring citizenship of another country, citizenship is involuntarily terminated, either *ex lege* or by government decision, thereby stopping dual citizenship.

According to the Nepal Citizenship Act of 2006 [10], there is a provision requiring the renunciation of foreign citizenship to obtain Nepali naturalized citizenship based on residence. In such cases, dual citizenship is not possible when a foreign citizen acquires Nepali naturalized citizenship. However, dual citizenship may arise when obtaining citizenship in a country that does not require renouncing previous citizenship. In countries that allow dual citizenship, if a citizen of such a country acquires naturalized citizenship elsewhere, they do not have to give up their original citizenship, thus creating a situation of dual citizenship in either the previous or current country.

The Citizenship law of China does not recognize dual citizenship. The Nationality Law of the People's Republic of China of 1980 [19], Article 3 states that the People's Republic of China does not recognize dual nationality for Any Chinese national. And if Chinese citizenship holder person obtain a citizenship of Hungary, must not renunciate the former citizenship to obtain Hungarian citizenship. According to ACT LV of 1993 [20] on Hungarian Citizenship, Hungary does not require the relinquishment of previous citizenship to acquire Hungarian citizenship. As a result, citizens of countries that do not adopt a dual citizenship policy can still create a situation of dual citizenship when they obtain a citizenship of the country that has a law of dual citizenship, through naturalization

based on their residence.

Another situation that can lead to dual citizenship, apart from birth, marriage, and naturalization, is through treaties. Some countries have agreements that mutually recognize dual citizenship among their citizens. Spain, while normally not adopting a dual citizenship policy, does recognize dual citizenship through treaties. Article 24 (2) of the Spanish Civil Code [21] states that acquisition of nationality from Latin American countries, Andorra, the Philippines, Equatorial Guinea, or Portugal shall not result in the loss of Spanish nationality by birth. This provision in Spain's citizenship law illustrates that dual citizenship can be established through treaties.

According to the United States Office of Personnel Management Investigations Service [15], if a person becomes a naturalized citizen of another country without informing their country of origin, they may still be considered a citizen of their original country. Without notification of the new citizenship to the original country, it is possible for both citizenships to be officially recognized. This situation of dual citizenship condition through default is same as to the situations where dual citizenship arises from marriage or residency, as discussed earlier. In those instances, if a citizen of one country is granted citizenship by another without the requirement to renounce their original citizenship, it results in dual citizenship. This occurrence is particularly happens when individuals from a nation with a single citizenship policy are granted naturalized citizenship by a country that allows dual citizenship.

## Analysis and findings

Nepal has a citizenship law history spanning 70 years, with three citizenship laws issued to date. The Nepali Citizenship Act of 1952 [8] and its accompanying Rules were first enacted in Nepal on 3 June, 1952 [22]. As this Act and Regulation mark the formal beginning of citizenship law in Nepal, they are considered the country's first citizenship law. According to Timilsina [7], following the Nepali Citizenship Act of 1952 [8], the Nepali Citizenship Ordinance of 1964 [14] was promulgated on 15 December, 1963, subsequently repealing the Nepali Citizenship Act of 1952 [8]. Two and half months after the issuance of this ordinance, the Nepal Citizenship Act of 1964 [14] came into effect, thereby repealing the preceding Ordinance. The provisions outlined in both the Nepal Citizenship Ordinance of 1963 and the Nepal Citizenship Act of 1964 were similar [7]. Therefore, to avoid repeated discussion, this article exclusively examines the Nepal Citizenship Act of 1964 without examining into the Nepali Citizenship Ordinance of 1963. Following this sequence, the Nepal Citizenship Act of 2006 [10] was enacted in the year 2006, repealing the Nepal Citizenship Act of 1964. Presently, the Nepal Citizenship

Act of 2006 remains in effect throughout Nepal.

In each of Nepal's three aforementioned citizenship laws, there exists a provision advocating for a mono citizenship policy. The Nepali Citizenship Act of 1952 [8], Section 8, the Nepal Citizenship Act of 1964 [14], Section 9(1), and the Nepal Citizenship Act of 2006 [10], Section 10(1) contain clauses pertaining to single citizenship. The Nepali Citizenship Act of 1952, in Section 8, specified that upon acquiring foreign citizenship, a Nepali individual loses their Nepali citizenship. Following the Nepali Citizenship Act of 1952, the Nepal Citizenship Act of 1964 was enacted, the Section 9(1) of this Act, explicitly stating, "Upon voluntary acquisition of foreign citizenship, Nepali citizenship automatically ceases." Similarly, the Nepal Citizenship Act of 2006 [10], Section 10(1) repeats the previous provision, declaring, "Upon voluntary acquisition of foreign citizenship, Nepali citizenship shall terminate." Hence, with regard to the rejection of dual citizenship, the Nepal Citizenship Act of 1952 [8], the Nepal Citizenship Act of 1964 [14], and the Nepal Citizenship Act of 2006 [10] endorse a mono citizenship policy. As outlined in the conceptual framework of this article, an analysis is conducted to ascertain whether Nepali citizenship law permits dual citizenship based on criteria such as birth, marriage, residency, treaty, and default.

The Nepali Citizenship Act of 1952 [8], Section 2, included provisions for acquiring Nepali citizenship based on birth. Section 2 (a) stated that a person born in Nepal's territory could become a citizen, while Section 2 (b) allowed citizenship for individuals whose mother or father was born in Nepal. The Nepal Citizenship Act of 1964 [14], Section 3 (1), specified that a person born after the Act's commencement would be a citizen if their father was a Nepali citizen at the time of their birth. Similarly, the Nepal Citizenship Act of 2006 [10], Section 3 (1) has declared that a person would be a citizen if either parent was a Nepali citizen at their birth. Section 4 (1) of the same Act provided that a person born in Nepal before the end of Chaitra, 2046, and residing there permanently would be a citizen by birth, but this provision was only valid for two years after the Act's enactment. Thus, across these three citizenship Acts, Nepali citizenship could be granted based on birthplace and descent.

It has been mentioned above that if a child is born in a country that grants citizenship based on *jus soli* to parents who are citizens of another country, the child can obtain citizenship of both the country of birth and the country of the parents based on *jus sanguinis*. This results in the child having dual citizenship through both *jus soli* and *jus sanguinis*. To fully grasp this concept, one must understand the characteristics of citizenship by descent. There is no dispute all over the world about the citizenship of a child of the country where the father and mother have citizenship. For instance, according to Simon and



Brooks [23], children born outside Canada to one or more Canadian parents are also Canadian citizens (p. 8). Similarly, they further note that in Argentina, children born to Argentine parents obtain Argentine citizenship at birth, regardless of whether the birth occurs in Argentina or abroad (p. 24). Therefore, the examples of Canada and Argentina illustrate that citizenship by descent can be extraterritorial.

The examples above illustrate that a child does not need to be born in the same country where their parents hold citizenship to acquire citizenship by descent. A child can obtain the citizenship of their parents' country regardless of the country of birth. Consequently, if a child is born in a country different from that of their parents' citizenship, the child may acquire dual citizenship: one from the country of descent and one from the country of birth. It is common for parents to live in a different country for their own business, making dual citizenship through descent and birth a natural result. Countries that do not allow dual citizenship, have provisions in their citizenship laws to prevent it. The Nepali Citizenship Law also includes provisions to avoid dual citizenship situations.

As discussed earlier, Nepal's citizenship law adopts a single citizenship policy. To prevent dual citizenship based on descent and place of birth, the Nepal Citizenship Act of 1964, Section 9 (2) had stated that a person who is a citizen of a foreign country and a citizen of Nepal by birth and descent together must choose the citizenship of one of the countries within five years after reaching the age of sixteen [14]. If a person does not choose citizenship in that way, their Nepali citizenship will automatically expire after that period. Similarly, the Nepal Citizenship Act of 2006 [10], Section 10 (4) states that if a person obtains the citizenship of Nepal and a foreign country at the same time, such a person should choose the citizenship of one of the countries within two years of attaining the age of sixteen. If they do not choose citizenship in that way, their Nepali citizenship will not continue after that period. Thus, the Nepal Citizenship Act of 1964, and the Nepal Citizenship Act of 2006, included provisions to prevent dual citizenship based on birth. However, there was no such provision in the Nepali Citizenship Act of 1952 [8]. As a result, when Nepali citizenship was granted based on birth according to the Citizenship Act of 1952, dual citizenship could have been created.

When both parents are citizens of the same country, the child's citizenship is governed by that country's laws. However, when the parents are citizens of different countries, dual citizenship can arise. Countries that do not permit dual citizenship have provisions in their laws to address this issue. The Nepali Citizenship Act of 1952 [8] and Nepal Citizenship Act of 1964 [14] did not have specific provisions for such situation. However, the Nepal Citizenship Act of 2006 [10] includes a legal provision to prevent dual citizenship when the parents are

citizens of different countries. The Nepal Citizenship Act of 2006 [10], Section 5 (2) states that children born to a Nepali citizen mother married to a foreign citizen, who have permanent residence in Nepal and have not taken foreign citizenship based on the father's nationality, can be granted naturalized Nepali citizenship as prescribed. However, the Act does not address the situation where the father is Nepali and the mother is a foreign citizen. Therefore, if the father is a Nepali citizen and the mother is a foreign citizen, dual citizenship can still arise under the Nepal Citizenship Act of 2006 [10].

Marriage can be as a pathway to obtaining citizenship in another country, theoretically leading to dual citizenship. The Nepali Citizenship Act of 1952 [8] allows for the granting of Nepali citizenship based on marriage. Section 3 of this Act stated, "According to the laws and customs of the state of Nepal, a married person who has any kind of marital relationship with a Nepali citizen shall be considered a Nepali citizen." However, this Act did not require foreign women married to Nepali men to renounce their previous citizenship or provide proof of such renunciation to obtain Nepali citizenship.

In contrast, the Nepal Citizenship Act of 1964 [14], Section 6 includes provisions for naturalized citizenship. It requires foreign women married to Nepali men to notify the government that they have initiated the process of renouncing their foreign citizenship to acquire Nepali citizenship. Similarly, the Nepal Citizenship Act of 2006 [10], Section 5 (1) mandates that foreign women married to Nepali men must renounce their foreign citizenship to obtain Nepali citizenship. Therefore, while the Nepali Citizenship Act of 1952 [8] could lead to dual citizenship for foreign women married to Nepali men, the provisions in the Nepal Citizenship Act of 1964 and Nepal Citizenship Act of 2006 prevent this by requiring the renunciation of foreign citizenship.

A person can be granted naturalized citizenship based on their residence in another country, possibly creating a situation of dual citizenship. The Nepali Citizenship Act of 1952 [8], Section 4 (d) did not require individuals to submit evidence of having renounced their foreign citizenship when obtaining citizenship in Nepal based on residence. However, the Nepal Citizenship Act of 1964 [14], Section 6 (1) (c), mandates that individuals eligible for naturalized citizenship based on residence must notify the government that they have taken steps to renounce their foreign citizenship in accordance with the laws of that country. Similarly, the Nepal Citizenship Act of 2006 [10], Section 5 (4) (c) requires that individuals renounce or declare their intention to renounce their previous citizenship to obtain Nepali citizenship based on residence. Therefore, while the Nepali Citizenship Act of 1952 [8] could result in dual citizenship through citizenship based on residence, the provisions in the Nepal Citizenship Acts of 1964 [14] and Nepal Citizenship Act

of 2006 [10] prevent this by requiring the renunciation of foreign citizenship.

As discussed above, another mode of acquiring dual citizenship is by default. According to the United States Office of Personnel Management Investigations Service of 2001 [15], if a person becomes a naturalized citizen of another country without informing their country of origin, they may still be considered a citizen of their original country. Without notification of the new citizenship to the original country, both citizenships can be officially recognized. This situation of creating dual citizenship by default is similar to the creation of dual citizenship based on marriage or residence mentioned above. In such cases, if a citizen of one country is granted citizenship by another country without having to renounce their previous citizenship, dual citizenship is created. This situation particularly arises when citizens of a country with a single citizenship policy are granted naturalized citizenship by a country with a dual citizenship policy. According to the Nepali Citizenship Act of 1952 [8], a foreign citizen does not have to renounce their previous citizenship to obtain Nepali citizenship based on birth, marriage, or residence, in this situation dual citizenship can be created.

Based on the previous analysis, when a foreign citizen acquires Nepali citizenship according to the Nepali Citizenship Act of 1952 [8], it appears that dual citizenship is by default allowed, as it is not mandatory to renounce the citizenship of a foreign country. However, according to the Nepal Citizenship Act of 1964 [14], and Nepal Citizenship Act of 2006 [10], the possibility of dual citizenship by default is minimal when a foreign citizen obtains Nepali citizenship. On the contrary, when a Nepali citizen acquires the citizenship of a foreign country that practices dual citizenship, there is no need to officially renounce Nepali citizenship; therefore, by default, dual citizenship remains. The situation of having dual citizenship by default is not a separate principle but a repetition of having citizenship in two countries based on birth, marriage, or residence. Thus, dual citizenship by default is a principle that overlaps with other principles.

The United States Office of Personnel Management Investigations Service of 2001 [15] does not cover some provisions on acquiring dual citizenship that are found in Nepal's citizenship law, such as the reacquisition of citizenship. When an individual renounces their citizenship and later reclaims it after obtaining citizenship in another country, the situation of dual citizenship may arise. The Nepali Citizenship Act of 1952 [8], outlined in Section 4, addresses the process of regaining Nepali citizenship for those who had previously renounced it. According to Section 4 (b), if a Nepali citizen's daughter marries a foreigner and, such as the death of her foreign husband, divorce, abandonment, or separation, she can reclaim Nepali citizenship. However, the law does not specify that individuals in such situations must renounce

their foreign citizenship to reacquire Nepali citizenship if they had acquired citizenship in another country.

Similarly, the Nepali Citizenship Act of 1952 [8], Section 4 (c) presented the eligibility for Nepali citizenship for those who left Nepal, settled abroad, acquired foreign citizenship, and returned with their children after residing continuously in Nepal for a year. Notably, there is no requirement in the Act for such individuals to renounce their foreign citizenship when requiring Nepali citizenship. Consequently, the provisions outlined in the Nepali Citizenship Act of 1952, Section 4 (c) left a room to the potential for dual citizenship even after reacquiring Nepali citizenship.

The provisions concerning the reacquisition of Nepali citizenship varied between the Nepal Citizenship Act of 1964 [14] and the Nepali Citizenship Act of 1952 [8]. Under the Nepal Citizenship Act of 1964, there was no provision allowing individuals who had acquired foreign citizenship after obtaining Nepali citizenship to reclaim their Nepali citizenship. However, the Nepal Citizenship Act of 2006 [10], enacted subsequent to the repeal of the 1964 Act, introduced provisions for the reinstatement of Nepali citizenship. According to the Nepal Citizenship Act of 2006 [10], Section 11, if a Nepali citizen acquires foreign citizenship and later returns to Nepal, surrendering their foreign citizenship to the designated authority, their Nepali citizenship can be reinstated from the date of registration of such certification. While the Nepal Citizenship Act of 1952 [8] had a possibility for dual citizenship during the process of regaining Nepali citizenship, the Nepal Citizenship Act of 1964 [10] lacked any such provision. Nevertheless, the Nepal Citizenship Act of 2006 [10] mandates the relinquishment of foreign citizenship upon the reacquisition of Nepali citizenship, thus prohibiting dual citizenship.

The study of Nepal's Citizenship Law reveals another method of granting citizenship. This method was introduced in the third amendment to the Nepal Citizenship Act of 1964 [14]. The third amendment to the Nepal Citizenship Act of 1964 [14], was ratified on 16 September, 1981 [7]. This amendment introduced Section 6 (a) to the Nepal Citizenship Act of 1964. The Nepal Citizenship Act of 1964, Section 6 (a) (1) had said "Upon recommendation of His Majesty the government, individuals of notable distinction may be granted honorary citizenship of Nepal by His Majesty the King." Sub-section (2) of this section further clarifies that individuals granted honorary citizenship of Nepal shall be equal as naturalized citizens. Furthermore, the provision for honorary citizenship, as outlined in the Nepal Citizenship Act of 1964, has been incorporated into the Nepal Citizenship Act of 2006 [10].

The Nepal Citizenship Act of 2006 [10], Section 6 instructs that "The Government of Nepal may grant honorary citizenship of Nepal to persons of internationally

renowned status.” Neither the Nepal Citizenship Act of 1964 [14] nor the Nepal Citizenship Act of 2006 requires individuals who obtain honorary citizenship of Nepal to renounce their foreign citizenship. Consequently, when honorary citizenship is conferred, dual citizenship is established in accordance with the provisions of both the Nepal Citizenship Act of 1964 and the Nepal Citizenship Act of 2006. However, it’s worth noting that the Nepali Citizenship Act of 1952 did not include any provisions regarding honorary citizenship.

In addition to factors like birthplace, descent, marriage, residence, and honorary citizenship, the Nepal Citizenship Act of 2006 [10] introduces the concept of non-residential citizenship. This provision marks a unique development in global citizenship law. The Nepal Citizenship Act of 2006, Section 7A specifies that non-residential Nepali citizenship may be granted to individuals who are citizens of countries outside the South Asian Association for Regional Cooperation and reside in such countries. Eligibility for this citizenship category extends to individuals whose parents or grandparents are Nepali citizens by birth or descent. However, holders of this type of non-residential citizenship are restricted to enjoying economic, social, and cultural rights under Nepali law. Consequently, the inclusion of non-residential citizenship in the Nepal Citizenship Act of 2006 suggests a departure from conventional citizenship norms, indicating that Nepal’s citizenship law recognizes dual citizenship with regards to economic, social, and cultural entitlements, while maintaining separate political and administrative rights.

## Conclusion

In this article, a comparative analysis of the Nepali Citizenship Acts of 1952, 1964, and 2006 was conducted to examine the concept of dual citizenship. The study aimed to identify the fundamental trends and actual practices concerning dual citizenship within Nepal’s citizenship laws. It becomes apparent that the predominant trend in Nepali citizenship law is mono citizenship, as evidenced by Section 8 of the Nepali Citizenship Act of 1952, Section 9 (1) of the Nepal Citizenship Act of 1964, and Section 10 (1) of the Nepal Citizenship Act of 2006.

The analysis of Nepal’s citizenship laws focused on criteria such as birthright, marriage, residency, international treaties, and the potential for dual citizenship by default.

Upon analysis of the Nepali Citizenship Act of 1952, it is noted that the Act provides basis for acquiring Nepali citizenship through birth, marriage, and residency. Given the foundational principle of singular citizenship within the Nepali Citizenship Act of 1952, individuals who obtain Nepali citizenship forfeit it upon acquiring citizenship of another country. However, the absence of a clear provision mandating the renunciation of foreign citizenship upon acquiring Nepali citizenship implies the potential for dual citizenship situations. Under the Nepali Citizenship Act of 1952, foreign nationals indirectly gain the option of dual citizenship upon acquiring Nepali citizenship. This creates a perceived imbalance where Nepali citizenship is relinquished upon acquiring foreign citizenship, yet dual citizenship privileges are not reciprocated. Consequently, Nepal’s initial citizenship law, the Nepali Citizenship Act of 1952, appears foreigners friendly. Furthermore, individuals who acquire Nepali citizenship may retain dual citizenship by default if the country permits dual citizenship.

Dual citizenship is not permitted under the Nepal Citizenship Act (1964) and the Nepal Citizenship Act of 2006, whether by birth, marriage, residence, or treaty. However, exceptions arise when honorary citizenship is conferred, resulting in a dual citizenship situation. While the Nepali Citizenship Law officially does not recognize dual citizenship, Nepalis residing in countries where it is acknowledged may involuntarily possess dual citizenship. Treaties do not establish dual citizenship according to Nepal’s citizenship laws. Nonetheless, the Nepal Citizenship Act of 2006 introduced the concept of dual citizenship through non-residential citizenship. Although traditionally birth, marriage, residence, treaty, and inheritance were considered grounds for dual citizenship, a comprehensive examination of Nepali citizenship law reveals additional possibilities, including citizenship recovery, honorary citizenship, and non-residential citizenship, contributing to dual citizenship status. Therefore, it can be deduced that complete abolition of dual citizenship is incredible based on my study.

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