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Immigration and
Refugee Board of Canada

Commission de l'immigration
et du statut de réfugié du Canada

Identity documents in Nepal, including citizenship certificates, birth certificates, driver's licences, and biometric identification cards, and the names of the agencies that issue them [NPL103944.E]

31 January 2012

NPL103944.E

Nepal: Identity documents in Nepal, including citizenship certificates, birth certificates, driver's licences, and biometric identification cards, and the names of the agencies that issue them

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Citizenship Certificates

1.1 Physical Appearance

Information on the physical appearance of citizenship certificates in this paragraph was provided by the Second Secretary of the Embassy of Nepal in Ottawa on 13 January 2012. Citizenship certificates display the following information on the front: photograph; full name; place of birth; permanent address (including district, village development committee/municipality, and ward number); date of birth (including day, month, and year); father's full name, address, and citizenship; mother's name, address, and citizenship; spouse's full name, address, and citizenship; and citizenship certificate number. The back of the document displays the following: the citizenship certificate holder's signature; type of citizenship; right and left thumbprints; the issuing authority's signature, name, and designation; and the date of issuance. The certificate is printed in Nepalese and resembles a "small card."

The Deputy Chief of Mission at the Embassy of Nepal in Washington, DC, in an interview on 23 January 2012, added to the foregoing information that the certificate indicates the holder's sex or gender.

Sources report that, in December 2007, the Supreme Court of Nepal ruled that lesbian, gay, bisexual, transgendered, or intersex (LGBTI) individuals were "natural persons" and that citizenship certificates be issued indicating the gender identity of the person's choice (*República* 17 Dec. 2011; CNN 31 May 2011). Certificates may be issued under *tesro lingi* (third gender) (*República* 25 Jan. 2010). However, as of April 2011, only two such certificates had been issued (*Allvoices* 15 Apr. 2011; CNN 31 May 2011). CNN reported in May 2011 that the Ministry of Home Affairs had not instructed Nepal's 75 administrative districts to issue third-gender citizenship certificates, and that the local authorities were unaware of the option (*ibid.*). The *Himalayan Times* reported in September 2011 that, according to the Prime Minister's Office, technological and methodological issues had to be resolved before the new certificates could be granted (27 Sept. 2011).

The Second Secretary at the embassy in Ottawa noted that an older version of the citizenship certificate was produced in booklet form (13 Jan. 2012). He added that this version was still valid and in use, although he estimated that Nepal stopped producing it approximately thirty years ago (23 Jan. 2012a).

1.2 Eligibility and Procedures for Obtaining Citizenship Certificates

The Deputy Chief of Mission in Washington, DC, provided the information in this paragraph to the Research Directorate on 4 January 2012. The citizenship certificate is issued to citizens aged 16 and older; children under 16 can be issued a similar identification document that serves the same purpose. Certificates are issued by the 75 district administration offices in the country [under the Ministry of Home Affairs (Nepal 13 Jan. 2012)] and signed by a "gazetted officer" of the issuing office. Each district administration office has its own system for the certificate numbers. There is no national database of citizenship or of certificates issued; therefore, to confirm the validity of a citizenship certificate, one must contact the issuing district administration office directly. Certificates are occasionally forged by citizens "to match their records with academic certificates [or to] amend [the] date of birth to apply for jobs [or] extend retirement."

According to the Nepal Citizenship Act 2063 (2006), Nepalese citizenship can be acquired by descent (through the mother or father), by a combination of birth in Nepal and permanent residence, if born before 1990, as well as by naturalization for different reasons, which include marriage in some circumstances (Nepal 2006, para. 3-5). Prior to 2006, Nepalese citizenship could only be transmitted through the father (Canada 25 Jan. 2012). The Citizenship Act states that to obtain an adult citizenship certificate on the basis of descent, an applicant requires [translation] "Nepalese Citizenship Certificate of descendants of relatives within three generations from paternal or maternal or self side" and a [translation] "[r]ecommendation from the concerned Village Development Committee [administrative division] or Municipality certifying the place of birth and relationship" (Nepal 2006, para. 8(i)). To obtain a citizenship certificate on the basis of birth, the applicant requires a [translation] "[r]ecommendation from the concerned Village Development Committee or Municipality certifying the birth in Nepal and [permanent residence] in Nepal," and a [translation] "Land Title Deed Ownership Certificate in the name of self or family or Certificate of Land Tilling Right or proof of house or listing of his name or the names of his father or mother in the Voters' list prepared by the Election Commission" (ibid., para. 8(ii)). In situations where the required evidence cannot be obtained, a designated official can approve the application based on a [translation] "spot investigation" and the testimony of at least three individuals who have a citizenship certificate, reside in the same ward, and are acquainted with the applicant (ibid., para. 8(iv)). In correspondence with the Research Directorate, a consular officer at the Embassy of Canada to Nepal stated that the processing of an application can take "as long as a few weeks," depending on how long it takes for the authorities to review the supporting documents submitted (25 Jan. 2012).

According to the Deputy Chief of Mission at the embassy in Washington, amongst the "younger generations," those of college age, almost all citizens possess a citizenship certificate (Nepal 4 Jan. 2012). The UNHCR estimates that, following a 2007 government campaign that distributed citizenship certificates to 2.6 million people, there are some 800,000 individuals without citizenship certificates in Nepal in 2012 (n.d.). Meanwhile, the South Asia Analysis Group, a "non-profit, non-commercial think tank" focusing on Indian and international security (n.d.), estimated in 2010 that there could be from 1 to 2.4 million people without citizenship certificates (14 Feb. 2010). The same source indicates that some citizens were unable to obtain their certificates during the 2007 campaign due to various factors, including

the lack of documents related to land ownership certificates required to prove one's length of residence in the country; illiteracy; lack of awareness; poverty; discouragement to the girls and women in certain communities to apply for citizenship; difficulty in getting supporting documents on account of poverty; damage or destruction of records at the VDCs [village development committees]; and non-availability of the VDC Secretaries in several VDCs, particularly in conflict-torn Terai region. (South Asia Analysis Group 14 Feb. 2010)

Similarly, an article published in *Forced Migration Review* states that many citizens displaced during the civil war can face "almost insurmountable difficulties" in obtaining their certificates because of problems in obtaining documentation from the village development committee, a reluctance to deal with the authorities, or the expense of travelling to their original district headquarters (Apr. 2009, 29). The article indicates that married women also face challenges because they often require permission from their husband or father-in-law to take any legal or administrative action (*Forced Migration Review* Apr. 2009, 29).

1.3 Uses of Citizenship Certificates

According to the Deputy Chief of Mission at the embassy in Washington, the citizenship certificate is the primary identity document used in Nepal (4 Jan. 2012). Similarly, CNN indicates that citizenship certificates "work as national identity papers" (31 May 2011), while *Forced Migration Review* states that they "[confirm] the legal identity of Nepali nationals and [provide] access (or improved access) to rights, opportunities and services that would not normally be available to non-citizens ..." (Apr. 2009). Various sources outline services and rights that require a citizenship certificate, which include the following:

- banking (FMR Apr. 2009; CNN 31 May 2011; South Asia Analysis Group 14 Feb. 2010; Nepal 4 Jan. 2012);
- property transactions (CNN 31 May 2011; Global Press Institute 19 Jan. 2011; South Asia Analysis Group 14 Feb. 2010; FMR Apr. 2009);
- employment (Global Press Institute 19 Jan. 2011; South Asia Analysis Group 14 Feb. 2010; FMR Apr. 2009);
- access to business opportunities (South Asia Analysis Group 14 Feb. 2010; FMR Apr. 2009);
- obtaining a passport (CNN 31 May 2011; FMR Apr. 2009);
- access to schools (Global Press Institute 19 Jan. 2011) or higher education (FMR Apr. 2009);
- medical treatment in hospitals (Global Press Institute 19 Jan. 2011);
- social security (South Asia Analysis Group 14 Feb. 2010);
- government allowances for the aged, widowed, disabled, internally displaced, and victims of the armed conflict (FMR Apr. 2009); and
- domestic air travel (Nepal 4 Jan. 2012).

The Washington embassy official stated, however, that citizenship certificates are not necessary for admittance into schools (ibid.). In February 2011, the Nepalese newspaper *República* reported that the Supreme Court had instructed the Electoral Commission to register only voters who possessed a citizenship card (10 Feb. 2011). However, the *Kathmandu Post* indicated that the Electoral Commission had been accepting other forms of identification for the issuance of voter identification cards, due to "pressure" from Madhesh-based parties (21 Feb. 2011).

2. Birth Certificates

According to the Second Secretary in Ottawa, birth certificates display the following information: the child's name; the parents' and grandparents' names; the place of birth, including village development committee and ward number; the date of birth; mother's and father's citizenship certificate numbers, date issued, and issuing district; name and signature of the local registrar; and date issued (Nepal 13 Jan. 2012).

The officials from both the Washington and Ottawa embassies stated that birth certificates are issued by the local village development committee office or by the ward office of a municipality (Nepal 4 Jan. 2012; ibid. 13 Jan. 2012), part of the Ministry of Local Development (ibid.). The Deputy Chief of Mission in Washington added that birth certificates can also be issued by the registrar's office of each district (ibid. 4 Jan. 2012). According to Plan International, an independent children's development organization working in Africa, Asia and the Americas (n.d.b), birth registration is free within 35 days of the birth, but costs eight Nepalese rupees [C\$0.10 (XE 23 Jan. 2012a)] after 35 days, increasing to 50 rupees [C\$0.63 (XE 23 Jan. 2012b)] after 70 days (Plan International n.d.a).

The Second Secretary in Ottawa indicated that birth certificates are issued at the request of the individual or the individual's family and that not all citizens will have them (Nepal 13 Jan. 2012). The Canadian consular officer indicated that "very few" parents register the birth of their children and, consequently, few Nepalese citizens possess birth certificates (25 Jan. 2012). According to Plan International, in 2008, an estimated 40 percent of the population had had their births registered (n.d.a). The same source indicates that birth certificates can be used, but are not compulsory, to obtain citizenship and passports (Plan International n.d.a). The Deputy Chief of Mission in Washington noted that birth records issued by hospitals are not legal documents, but can be used to obtain a legal birth certificate (Nepal 4 Jan. 2012).

3. Driver's Licenses

According to the Canadian consular officer in Nepal, driver's licences can be issued to anyone who passes the driving test, regardless of nationality; thus, the driver's licence is rarely used as an identification document (25 Jan. 2012).

According to the Second Secretary in Ottawa, driver's licences are issued by the Office of Transport Management, run by the Ministry of Labour and Transport Management (Nepal 25 Jan. 2012). The licence displays the following information: licence number; date of issue and date of expiry; name of the licence holder; father's name; address; citizenship certificate number; telephone number; passport number; date of birth; blood group; photograph; vehicle category; and issuing authority (ibid.).

Several media sources have reported on efforts made by the Nepalese authorities to reduce the number of fake or fraudulently obtained driver's licenses (BERNAMA 8 Oct. 2009; EKantipur.com 25 July 2011; *The Kathmandu Post* 7 Aug. 2011). Sources indicate that the Government of Nepal is making efforts towards computerizing and consolidating driving licence records across the country (BERNAMA 8 Oct. 2009; *República* 11 May 2010). However, in an interview with the Research Directorate on 23 January 2012, the Deputy Chief of Mission at the Washington embassy stated that the system was not yet digitized (Nepal 23 Jan. 2012b).

4. Biometric Identification Card

Several sources indicated in 2011 that the Government of Nepal was preparing to issue new national identification cards (*The Kathmandu Post* 21 Feb. 2011; *República* 25 May 2011; *The Himalayan Times* 22 July 2011). According to the *Himalayan Times*, the new identification card, which will replace the existing citizenship certificate, will be a biometric "smart card" containing personal information that will be stored in a central, nationalized data centre (ibid.). According to the Deputy Chief of Mission in Washington, the new system had not yet been implemented in January 2012 (Nepal 23 Jan. 2012b). The *Kathmandu Post* indicated in February 2011 that implementation would take place over the succeeding 20 months (21 Feb. 2011).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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