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## Nepal: The legalisation procedure at the Nepali Ministry of Foreign Affairs

### *Introduction*

The following note describes the legalisation procedure at the Nepali Ministry of Foreign Affairs, Department of Consular Services. Furthermore, the note also includes a description of the trustworthiness of a legalised Nepali document.

The note is primarily based on an interview conducted in Nepal and India in October 2018 as well as open source information

### *The legalisation procedure*

Nepal is not party to the Apostille Convention, which means that Nepali civil status documents often require legalisation to be considered legally valid in other countries.<sup>1</sup> The legalisation procedure is intended to ensure that the document in question has the proper format, has been issued by the competent authority and contains genuine stamps and signatures. Documents, which need legalisation, include diplomas, civil status documents and court orders.<sup>2</sup>

The legalisation procedure in Nepal follows two steps. First, the Nepali civil status document needs to be seen and attested by a consular officer at the Department of Consular Services in the Nepali Ministry of Foreign Affairs. Second, the same document needs to be stamped (wet-ink stamp) and signed at the embassy representing the country in which the document is intended to be used.<sup>3</sup> Be aware that procedures vary between embassies.

Related to the attestation at the Department of Consular Services, the applicant is required to present his/her citizenship certificate together with the document, which needs legalisation. The document then undergoes a technical assessment, which e.g. can include a scrutiny of ward stamps and signatures.<sup>4</sup> After this assessment, the document is stamped (wet-ink stamp), dated (wet-ink stamp) and signed

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<sup>1</sup> International Apostille Service, 2020.

<sup>2</sup> Hague Apostille, March 2020.

<sup>3</sup> Nepali Ministry of Foreign Affairs, Kathmandu, October 2018; Nepali Ministry of Foreign Affairs, December 2018.

<sup>4</sup> Nepali Ministry of Foreign Affairs, Kathmandu, October 2018; Nepali Ministry of Foreign Affairs, December 2018.

by a consular officer.<sup>5</sup> As of 2018, an online database intended to contain all civil status registrations from the ward-level has just been established, but is not yet fully operational.<sup>7</sup>

#### *Trustworthiness of a legalised document*

Since there is no comprehensive central digital archive containing the vital events registered at the ward-level, the content of the documents, which are being legalised are not verified. One of the variations of the legalisation stamp from the Nepali Ministry of Foreign Affairs spell out this caveat by stating: “(...) *Ministry of Foreign Affairs, Government of Nepal is not responsible for the accuracy of the content of the document*”.<sup>9</sup>

The consequence of the current Nepali legalisation procedure is that forged and counterfeit documents might be detected through the technical assessment, hence not legalised; while genuine documents with false content most likely will not be detected, hence legalised. However, when the abovementioned database is in use in every ward throughout Nepal and all archival data has been digitalised, a consultation of this database during the legalisation procedure will mitigate the risk of genuine documents with false content being legalised.

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<sup>5</sup> Nepali Ministry of Foreign Affairs, Kathmandu, October 2018; Nepali Ministry of Foreign Affairs, December 2018.

<sup>7</sup> Nepali Ministry of Foreign Affairs, Kathmandu, October 2018; Nepali Ministry of Foreign Affairs, December 2018.

<sup>9</sup> Nepali Ministry of Foreign Affairs, Kathmandu, October 2018.

## References

### *Oral source*

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