

Passport Act, 2019 (2076)

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Act Number 11 of the Year 2019 (2077)

An Act made to amend and consolidate laws regarding passports

Preamble: Whereas, it is expedient to amend and consolidate prevailing laws in order to regulate and manage the matters regarding passports including issuance of passport, travel document to the Nepali Citizens who intend to visit foreign countries;

Now, therefore, the Federal Parliament enacts this Act.

Chapter -1

Preliminary

1. **Short Title and Commencement:** (1) This Act may be called "Passport Act, 2019 (2077)".
(2) This Act shall come into force immediately.
2. **Definition:** Unless the subject or the context otherwise requires, in this Act:-
 - (a) "Prescribed" or "As prescribed" means the prescribed or as prescribed pursuant to the Rules framed under this Act or in an order issued by the Government of Nepal by a notification published in the Nepal Gazette.
 - (b) "Mission" means Nepal embassy, permanent mission, Nepali consulate general, consulate, special mission located in any foreign country and also includes any office established in foreign country by the Government of Nepal to operate diplomatic business.

- (c) "Ministry" means the Ministry of Foreign Affairs, Government of Nepal.
- (d) "Travel Document" means a travel document to be issued pursuant to Section 17.
- (e) "Passport" means a machine readable, electronic or biometric passport to be provided by the Government of Nepal to the Nepali citizen intending to visit abroad.
- (f) "Department" means Department of Passports.
- (g) "Travel in course of government business" means travel for prescribed business pursuant to a decision of the Federal and Provincial Government and subordinated bodies, local level, Federal Parliament, Provincial Assembly and Constitutional Bodies and also the travel on formal invitation of the foreign government, semi- governmental and internationally accredited organizations.

Chapter-2

Regarding Passport

3. **Passport to be received:** (1) A Nepali citizen shall have to travel abroad along with the valid term passport.
(2) Notwithstanding anything contained in sub-section (1) if there is no need of passport to a Nepali citizen to travel to any country pursuant to the treaty, agreement concluded between the Government of Nepal and any foreign State or Government, the Nepali citizen may travel to such country without the passport.
4. **Issuance of passport:** (1) It shall be the power of the Government of Nepal to issue a passport.
(2) The Department shall on behalf of the Government of Nepal, perform the act of issuing a passport pursuant to sub-section (1).

(3) The Department shall while issuing a passport issue in accordance with the prevailing standards of the International Civil Aviation Organization (ICAO).

5. **Types of passport:** (1) The types of passports to be issued pursuant to Section 4 shall be as follows:-

(a) Diplomatic Passport,

(b) Official Passport,

(c) Service Passport,

(d) Ordinary Passport

(2) The term of period of the passport to be issued pursuant to sub-section (1) shall be as prescribed.

6. **Diplomatic passport:** The Department shall issue a diplomatic passport to the officials travelling abroad in course of government business or special work, as prescribed, upon a decision of or recommendation by the concerned Ministry, Constitutional body or Secretariat.

7. **Official passport:** The Department shall issue an official passport to the officials and employees travelling abroad in course of government business, study, study visit or training on nomination from the Government of Nepal, Provincial Government or any government body, as prescribed, upon request from the concerned body along with the decision thereof.

8. **Service passport:** (1) The Department shall issue a service passport to the private assistant to the ambassador, permanent representative, special representative, consular general and employees of gazetted level and classless employee upon written request from the Ministry.

(2) The Department may issue a service passport to a Nepali citizen working as local employee in the mission upon written request from the Ministry or the mission.

9. **Ordinary passport:** (1) The Department may issue an ordinary passport to the Nepali citizen.

(2) Other provisions related to ordinary passport shall be as prescribed.

10. **To submit application for passport:** (1) The Nepali citizen desiring to have a passport shall submit an application to the Department, mission or the prescribed body in a prescribed format enclosing the original or copy of the Nepali citizenship certificate or the original or copy of the national identity card issued by the Government of Nepal and documents as prescribed.

(2) Notwithstanding anything contained in sub-section (1), in case of a minor Nepali citizen who is below than sixteen years of age, any one from among his or her father, mother, guardian or curator shall submit an application along with him or her and also enclosing the documents as prescribed.

(3) The department may issue a passport in the name of a minor in the following conditions even though the application is not submitted by any one from among his or her father, mother, guardian or curator:-

(a) in case the court issued an order to issue a passport in the name of such minor, or

(b) in other conditions as prescribed.

(4) If the Department considers fit to issue a passport upon inquiry made to the applications submitted for the passports pursuant to sub-section (1) or (2), shall issue passports by maintaining a record thereto.

11. **Issuance of a passport:** (1) The body to which the application is submitted for passport shall issue the passport maintaining the record thereof.

(2) The other provisions related to distribution of passport shall be as prescribed.

12. Not to issue a passport or to withhold passport: (1) Notwithstanding anything contained elsewhere in this Act, a passport may not be issued or may be withheld in the name of the following persons:-

- (a) upon receipt of the written request from the investigating authority not to issue a passport or to withhold a passport in course of the investigation of the charge of the offence related to passport, immigration, corruption, money laundering, human trafficking, abduction, narcotic drugs, illegal transaction of arms and ammunition, organized crime or terrorism,
- (b) upon receipt of an order of the Court not to issue a passport or to withhold a passport in the case subjudice in the court in charge of the offence related to passport, immigration, corruption, money laundering, human trafficking, abduction, narcotic drugs, illegal transaction of arms and ammunition, organized crime or terrorism,
- (c) upon serving a sentence upon conviction from the Court in charge of the offence related to passport, immigration, corruption, money laundering, human trafficking, abduction, narcotic drugs, illegal transaction of arms and ammunition, organized crime or terrorism,
- (d) upon enlisted in black list upon default of payment of the loan of the bank and financial institution,
- (e) upon restriction on travelling abroad or not to issue a passport or to withhold a passport issued by an order of the Government of Nepal or of the Court with reasonable grounds,
- (f) when a decision has been made as not to issue a passport or withhold passport specifying the reasons thereof by the body issuing passport,
- (g) when valid period of more than one year remains in the passport issued in the name of the passport holder.

(2) If the Department does not issue an ordinary passport by the reason as specified in sub-section (1), it shall provide information thereof to the concerned applicant.

(3) In case the court orders to issue a passport or not to withhold it under the condition of clause (a) of sub-section (1), a passport shall be issued in the name of such a person.

(4) The passport shall be issued in the name of the person if he or she is acquitted from the Court for the offence pursuant to clause (b) of sub-section (1) or if he or she has served the sentence in accordance with the law for the offence pursuant to clause (d).

(5) A passport may be issued in the name of the person upon receipt of non-existence of the conditions pursuant to clauses (d), (e) or (f) of sub-section (1) in his or her regard.

13. More than one passport may be issued: Notwithstanding anything contained elsewhere in this Act, a new passport may, even though the term of the earlier passport remains valid, be issued in the following conditions:-

- (a) in case a diplomatic or official passport holder submits an application for the ordinary passport,
- (b) in case an ordinary passport holder submits an application for the diplomatic or official passport in accordance with the prevailing laws.

14. Passport may be issued even though its valid period remains: Notwithstanding anything contained in clause (g) of sub-section (1) of Section 12, a new passport may be issued, even though the term of the passport issued in the name of the passport holder remains valid for more than one year in the following conditions:-

- (a) in case the passport is not readable being old, tampered, withered or not being able to use due to error in details thereof,
- (b) in case no adequate pages left in the passport,

- (c) in case of change of surname,
- (d) in case the passport prepared by the Department gets lost or destroyed prior to its distribution to the concerned person,
- (e) in case the minor intends to have a passport before attaining sixteen years of age,
- (f) in case the passport has been issued in special circumstance,
- (g) in other conditions as prescribed.

15. **Passport may be cancelled:** (1) The Department may cancel the passport in the following conditions:-

- (a) in case the passport holder informs the Department or the mission about the lost passport issued in his or her name,
- (b) in case the passport is cancelled or revoked by the order of the Court,
- (c) in case the passport holder no longer remains a Nepali citizen,
- (d) in case it is proved that the non-Nepali citizen has received the passport,
- (e) in case the passport is received by providing false details,
- (f) in case the applicant does not receive the passport within the prescribed time after submitting the application.

(2) The Department shall provide information of cancellation of the passport pursuant to clauses (a), (b), (c), (d) and (e) of sub-section (1) to the concerned body of the Government of Nepal, foreign missions located in Nepal and office of the Interpol located in Nepal.

(3) If any Nepali citizen submits an application in the mission for a new passport upon lost of his or her passport in the foreign country, the mission shall writ it to the Department to cancel such a passport specifying all the details of the passport holder and

the passport number and such information shall also be provided to the Immigration office at Nepal, Ministry responsible for foreign affairs of the country where the concerned mission is located and the foreign missions in that country.

16. To use passport: (1) The provisions on use of diplomatic and official passports shall be as prescribed.

(2) The holder of the diplomatic or official passport shall have to return such passport to the Department after the completion of the purpose pursuant to sub-section (1).

Provided that the person bearing the prescribed public post may keep the diplomatic or special passport with himself or herself up to the term as prescribed.

Chapter-3

Regarding Travel Document and Seamans Record Book

17. Travel document: (1) The Department and mission may issue a travel document.

(2) The terms and conditions for issuance of a travel document to be issued pursuant to sub-section (1) shall be as prescribed.

18. Seamans passport: (1) The Department or the mission may issue seamans passport to the Nepali citizen who is going to work in ships.

(2) If an ordinary passport holder submits an application for seamans passport to the Department or mission enclosing the prescribed documents for the purpose of working in ships, the Department or mission shall issue seamans passport subject to the prescribed terms.

Chapter-4

Regarding Passport to be Issued in Temporary and Special Condition

19. **Temporary passport may be issued:** The Mission may issue a temporary passport to the Nepali citizen residing abroad if he or she submits an application for a new passport for expiry of the valid term of the passport, lost, destroyed or by the reason of passport not being able to use being tempered, for a period not exceeding nine months till the issuance of a new passport.
20. **Passport to be issued in special condition:** (1) In case any minor son or daughter of the Nepali citizen resides abroad and has not acquired certificate of Nepali citizenship attaining sixteen years of age, submits an application enclosing prescribed documents along with the evidence that he or she has not acquired foreign citizenship or applied for the certificate of foreign citizenship, the mission may issue the ordinary passport in his or her name for a period not exceeding two years term for once.

Provided that the mission may issue the ordinary passport for him or her for additional two years term if he or she submits an application specifying the reason for not being able to acquire the certificate of Nepali citizenship as a result of *force majeure*.

(2) Such passport holder shall have to receive the ordinary passport by acquiring the certificate of Nepali citizenship within the period pursuant to sub-section (1).

Chapter-5

Regarding Offence and Punishment

21. **Offence:** If any one commits, cause to commit or abet the commission of any of the following acts shall be considered as commission of an offence pursuant to this Act:-
- (a) receives or attempts to receive a passport or travel document submitting false details,
 - (b) visits or attempts to visit a foreign country without having a passport or travel document pursuant to this Act,
 - (c) fails to abide by the order or direction issued by the Government of Nepal,

- (d) uses the passport for the purpose other than the purpose for which it is issued,
- (e) provides own passport for the use to other or uses other's passport,
- (f) corrects photo or details in the passport,
- (g) holds in controls other person's passport without his or her consent and with malafide intention,
- (h) performs any other act in contrary to this Act and the Rules framed under this Act.

22. Punishment: (1) Anyone who commits the offence pursuant to clause (a), (b), (c), (d), (e) or (g) of section 21 shall be liable to the punishment with fine of two lakh rupees to five lakh rupees or with an imprisonment of one year to three years or with both.

(2) Anyone who commits the offence by committing any act contrary to this Act and the Rules framed under this Act other than those referred to in sub-section (1) shall be liable to the punishment with fine of fifty thousand rupees to one lakh rupees or with imprisonment of six months to one year or with both.

(3) If anyone who orders or abets to commit any offence shall be liable to the punishment as an offender referred to in sub-sections (1) and (2) and the accomplice to such an offence shall be liable to the half of the punishment imposed to the offender.

23. No obstruction to take action in accordance with prevailing laws: If any act to be considered as an offence under this Act is also considered as offence under other prevailing laws, nothing contained in this Act shall hinder to take action instituting the case under prevailing laws in respect to such an offence.

Chapter-6

Miscellaneous

24. **Colour, Format and Size of Passport:** The colour, format and size of the passport to be issued pursuant to Sections 5, 17, 18, 19 and 20 shall be as prescribed.
25. **Fees:** (1) No fees shall be imposed to issue diplomatic, official or service passport.
- (2) The fees as prescribed, shall be imposed to issue ordinary passport, travel document, seamans passport, temporary passport and passport to be issued in special conditions.
26. **Passport may be returned:** (1) The ordinary passport holder may return the passport issued in his or her name to the Department if it is not required by him or her or he or she is not in a situation to keep the passport with him or her because of any other reason thereto.
- (2) The Department shall cancel the passport returned pursuant to sub-section (1).
27. **Electronic Record and Personalization:** (1) The Department shall conduct the act of passport personalization by processing the personal details of the applicant certified by the concerned body and received with the application for the passport also with the means of technology.
- (2) The Department shall prepare and place securely the electronic record of passports, travel documents and seamans passports in a format as prescribed.
- (3) The details of the travel documents and seamans passports issued by the mission shall be sent to the Department in each three months.
28. **To keep documents safe:** (1) The application filed for passport and also other documents enclosed shall be kept safely for twelve years from the date of issuance of the passport.
- (2) The Department shall dispose the passports cancelled pursuant to this Act as prescribed.
- (3) The disposal procedure of the documents pursuant to sub-section (1) shall be in accordance with the prevailing laws.

29. **Government to be Plaintiff:** The Government of Nepal shall be a plaintiff in the case of offence punishable under this Act and such cases shall be deemed to be included in the Schedule-1 of the National Criminal Procedure Code, 2017 (2074).
30. **Appeal:** A person not satisfying with the decision of the Department for rejecting to issue the passport or cancel the passport may file an appeal in the High Court of the province where the Department is situated within thirty five days of the receipt of information of such rejection or cancellation.
31. **Delegation of Power:** The Department may delegate some of its powers, obtained by it under this Act, to other body or official as required.
32. **Saving of the act done in good faith:** No employee shall be personally liable for the act done in good faith under this Act.

Provided that the provision of this Section shall not be considered to have been hindered to take any legal action to the consequence arising from the act done with negligence.

33. **Rules may be framed:** The Government of Nepal may frame necessary Rules to implement this Act.
34. **Procedure may be framed:** The Ministry may frame necessary Procedures without prejudice to the objective of the Act.
35. **Repeal and Saving:** (1) Passport Act, 1976 (2024) has been hereby repealed.
(2) The acts performed in accordance with the Passport Act, 1976 (2024) shall be considered to have been performed in accordance with this Act.