

Foreigners Act, 1958

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This is an unofficial translation. This Act is an extract of texts of legislation as published in the
Comments Nepal Gazette, Vol. VIII, No. 8, Jestha 20, 2015 (June 2, 1958). This Act has been repealed
by the REF\LEG\751;

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Whereas it is expedient to make arrangements for restricting, prohibiting and regularizing the entry, presence and departure of foreigners within the Kingdom of Nepal,

Now therefore, His Majesty has framed and promulgated this law.

Article 1. Short Title, Extend and Commencement

- (1) This Act may be called the Foreigners Act, 1958
- (2) It extends to the whole of the Kingdom of Nepal.
- (3) It shall come into force on such date as His Majesty's Government may, by notification in the Nepal Gazette, prescribe.

Article 2 Definition

In this Act, unless repugnant to the subject or context,

- (a) "foreigner" means any person who is not a citizen of Nepal at any time.
- (b) "prescribed" or "as prescribed" means prescribed or as prescribed by orders issued under this Act.
- (c) "directed" means directed by the prescribed authority.

Article 3 Powers to issue orders

- (1) The Government may issue an order, restricting, prohibiting or regularising the entry, presence and departure of foreigners in general, or of any particular foreigner or class of foreigners, or of foreigners of any description.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), orders under this Section may be issued on all or any of the following matters:

- (a) Prohibiting any foreigner from entering into the territory or the Kingdom of Nepal, or allowing him to do so at the prescribed time, through a prescribed route and to a prescribed place only or, to compelling him to observe the prescribed rules after he has entered into the Kingdom of Nepal.
- (b) Prohibiting any foreigner from leaving the territory of the Kingdom of Nepal, or allowing him to leave from a prescribed place, through a prescribed route and on the prescribed time after observing the rules prescribed therefor;
- (c) Prohibiting any foreigner from staying within the Kingdom of Nepal or any prescribed part thereof;
- (d) Obligating any foreigner to stay in any prescribed place within the Kingdom of Nepal;
- (e) Compelling any foreigner to comply with any prescribed conditions or directives as follows: (1) to reside in any particular place; (2) to comply with restrictions imposed on his movements; (3) to furnish information and particulars about proof of his identity to the prescribed or directed authority in the prescribed or directed manner at the prescribed or directed time and place as prescribed or directed; (4) to furnish his specimen signature, photograph and thumb impression to the prescribed or directed authority at the prescribed time and place; (5) to allow himself to be medically examined by the prescribed or directed officer at the prescribed time and place; (6) to prohibit him from mixing with persons of any prescribed or directed description; (7) to prohibit him from participating in any prescribed or directed affair; (8) to prohibit him from keeping in possession or utilizing any prescribed or directed thing; (9) to compel him to regulate his conduct on any prescribed or directed matter.
- (f) Compelling any foreigner to give an undertaking, with or without surety, to observe any of the conditions or restrictions prescribed or directed, or in lieu of observing the conditions or restrictions thus prescribed or directed;
- (g) Disallowing him from taking part in politics;
- (h) Arresting, detaining, or keeping in custody any foreigner, and making arrangements about any emergency or incidental situation in order to carry out the purpose of this Act.

(3) Any prescribed officer may, in order to carry out the purposes of this Act, issue orders under sub-section (e), (f), (g) or (h) of Section 2 above.

Article 4 Internment

(1) The Government may detain or keep in confinement any foreigner (hereinafter called the interned person) against whom an order under clause (h) of sub-section (2) of section 3 has been issued, at the prescribed place and in the prescribed manner and put him under obligation to comply with conditions prescribed from time to time, and may also make arrangements for his maintenance, discipline and punishment for any offence or breach of discipline.

(2) Any foreigner (hereinafter called the person under parole), against whom an order under clause (e) of sub-section (2) of section 3 has been issued directing him to stay in any particular place, shall remain under obligation to comply with conditions prescribed from time to time by the Government in regard to the maintenance, discipline and punishment for any offence or breach of discipline.

(3) No person -

(a) shall assist any person kept in internment or under parole in absconding from custody or the place prescribed for his stay, or

(b) shall harbour any absconder or the person under parole, or shall assist any such person with the intention of obstructing, preventing or interfering in his arrest.

(4) The Government may make arrangements with regard to the entry of any interned person or the person under parole in any prohibited or restricted place, as well as regulation of the conduct of the person so entering.

Article 5 Powers to frame rules

(1) The Government may, in order to carry out the purposes of this Act, frame rules from time to time.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), the Government may make rules on any or all of the following matters:

(a) Information to be furnished about his presence along with the prescribed details at the prescribed time to the prescribed officer in the prescribed manner by any foreigner entering the Kingdom of Nepal, or by one who is already present within the Kingdom;

(b) Information to be furnished about his presence along with the prescribed details at the prescribed time to the prescribed officer in the prescribed manner by any foreigner leaving one part of Nepal for another part thereof after having reached the latter place.

(c) Information to be furnished before departure from the Kingdom of Nepal about the tentative date of his departure along with the prescribed details at the prescribed time to the prescribed officer in the prescribed manner by any foreigner intending to leave the Kingdom of Nepal.

(d) Submission of proof of identity to the prescribed officer, if asked by him, by any foreigner entering or already present in the Kingdom of Nepal, or by one who intends to leave the Kingdom of Nepal; and

(e) Information to be furnished about any foreigner staying at any time in any hotel or boarding-house or any such place along with the prescribed details at the prescribed time to the prescribed officer in the prescribed manner by the proprietor of such hotel or boarding-house or any such place.

Article 6 Burden of proof

The burden to prove that any person is or is not a foreigner, or that he is or is not a foreigner of any class or description, on any question arising as to whether he is or is not a foreigner, or whether he is or is not a foreigner of any class or description, shall rest with the person in relation to whom an order or rule has been issued or framed under this Act.

Article 7 Power of Government to exempt any foreigner from the application of this Act, or to apply this Act in an amended form

The Government may, by means of an order, exempt any foreigner, or any class or description of foreigners, from the application of any order or rule issued or framed under this Act, or may apply such orders and rules

in an amended form or under prescribed conditions.

Article 8 Power to execute orders and directions

(1) Any officer who is empowered to issue any direction or to exercise any power vested in him under this Act may, if he so deems necessary, issue any direction or exercise any power in addition to those specifically vested in him under this Act, in order to have his directions complied with or to check them from being violated or to rectify any violation thereof or to execute fully the powers vested in him.

(2) The officer vested with powers under this Section may enter into any house, land or other property, while acting in accordance with this Section.

Article 9 Power to delegate authority

Except when otherwise provided for, any officer who is empowered by any order or rule to issue any order or to give approval or sanction or to perform any other function, may delegate such authority to any of his subordinates in writing to be executed by the latter subject to any conditions or otherwise, and such subordinate officer shall be deemed to have been vested with such powers under this Act.

Article 10 Attempts to violate provisions of this Act

(1) Any person who attempts to violate or to abet the violation of or attempts to abet the violation of or to act in a manner designed to violate any order or rule issued or framed under this Act or any direction issued thereunder shall be deemed to have violated the provisions of this Act.

(2) In case any person, who knows or has reason to believe that any other person has violated any order or rule issued or framed under this Act or any direction given thereunder, assists the latter with the intention of obstructing or interfering with his arrest or punishment, he shall be deemed to have instigated such violation.

Article 11 Penalties

In case any person who violates any provision of this Act or any order or rule issued or framed under this Act or any direction given thereunder, he shall be punished with imprisonment for a period of two years and a fine amounting to not more than Rs 2,000.00, and any surety furnished by him under sub-section (2) (f) of Section 3 shall be forfeited.

Article 12 Immunity for bonafide action

No person who acts or attempts to act in good faith under this Act shall be sued or prosecuted, nor shall any legal action be taken against him in any court.

Article 13 Repeal and Suspension

(1) Section 21 of the Civil Rights Act, 1955, has been repealed.

(2) All existing laws conflicting with the order or rule issued or framed under this Act shall remain suspended during such period as these orders and rules remain in force.

Royal Seal Affixed On:

Baisakh 16, 2015
(April 28, 1958)

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