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Ministry of Home Affairs

Immigration Branch-III

Notification

Dhaka, the 27th July, 1978

No. S.R.O. 214-L/78-In exercise of the powers conferred by Article 5 of the Bangladesh citizenship (Temporary Provisions) order, 1972 (P.O. No. 149 of 1972), the Government is pleased to make the following rules, namely : -

Bangladesh Citizenship (Temporary Provisions) Rules, 1978

1. Short title - These rules may be called the Bangladesh Citizenship (Temporary Provisions) Rules, 1978.

2. Definitions - In these rules, unless there is anything repugnant in the subject or context, -

a) "Article" means an Article of the order;

b) "Form" means a form annexed to these rules; and

c) "Order" means the Bangladesh Citizenship (Temporary Provisions) order, 1972 (P.O. No.149 of 1972).

3. Application for citizenship under Article 2B- (1) Any person seeking citizenship of Bangladesh under clause (2) of Article 2B shall apply to the Government in Form A, in Duplicate, and in the manner hereinafter provided, namely : -

a) If the applicant is a person temporarily residing in Bangladesh, the application shall be submitted direct to the Government, and if the applicant is a person residing outside Bangladesh, the application shall be submitted to the Government through the Bangladesh Diplomatic Mission or Consulate in that country or where there is on Bangladesh Mission or

Consulate in that country, to a Bangladesh Mission or Consulate in the country nearest to that country;

b) every application shall be accompanied by an affidavit affirming the truth of the statement made before a Magistrate of the First Class or a Notary Public and four copies of passport size photograph of the applicant duly attested by a Class I Gazetted officer or a Magistrate of the First Class or a Notary Public.

2) The Government or a Mission or Consulate to which an application has been submitted under sub-rule (1) may call for such further information as may be deemed necessary including the following :-

- a) the place and date of birth of the applicant in the territory now comprised in Bangladesh;
- b) when he left the territory and with what travel documents;
- c) When he acquired his present citizenship;
- d) his knowledge of Bengali language;
- e) his special qualifications, if any;
- f) his income and its source; and whether he is regularly sending remittance to Bangladesh or not;
- g) particulars of his properties in Bangladesh, if any;
- h) particulars of the members of his family residing in Bangladesh, if any;
- i) any disabilities to which citizens of Bangladesh are subject in the country of the applicant;

4. Application for citizenship under Article 4.-(1) any person seeking citizenship of Bangladesh under Article 4 shall apply in form B in

duplicate, and in the same manner as provided in clause (a) and (b) sub-rule (1) of rule 3 :

Provided that an application under this rule may not be entertained unless the applicant has, by an affidavit, renounced his status as the citizen of another country and has abandoned his domicile of origin :

Provided further that on application shall be considered for grant of citizenship –

- (a) If the applicant is a foreign women and married to a Bangladeshi and has resided in Bangladesh ordinarily for a period of 2 years; or
- (b) If the applicant does not fall within clause (a), has resided in Bangladesh ordinarily for a period of 5 years.

2. The Government or a Mission or a Consulate to which an application on has been submitted under sub-rule (1) may call for such further information as may be deemed necessary including the following :-

- a) the national status of the applicant;
- b) his knowledge of Bengali language;
- c) his special qualifications, if any;
- d) his income and its source; and
- e) any disabilities to which citizens of Bangladesh are subject in the country of the applicant.

(3). In case the applicant under sub-rule (1) is a foreign national and wife of a citizen of Bangladesh, the application shall be accompanied by the following additional documents, namely : -

- i. documentary evidence to the effect that her husband is a citizen of Bangladesh;
- ii. her marriage certificate;

- iii. if her husband is a person in the service of the people Republic of Bangladesh or of any local authority or nationalised enterprise in Bangladesh, a no objection certificate. From his employer to his marriage with a foreign national.

5. Forwarding of application by Mission, etc.- on receipt of application under rules 3 and 4, a Mission or, as the case may be, a consulate shall, together with the information's as may be called for under sub-rule (2) of rule 3 or, as the case may be, sub-rule (2) of rule 4, forward the application for consideration of the Government. While forwarding the application the Mission or Consulate may make such observations about the character and antecedents of the applicant as it may consider necessary.

6. Verification of character and antecedents.- With regard to applications submitted to Government direct and also with regard to applications submitted under rule 3 and 4, the Government may take such steps as may be necessary to satisfy itself as to the character and antecedents of the applicant before it finally disposes of the application.

7. Grant of citizenship - the Government may, after being satisfied about the correctness of the statements and information furnished by the applicant as required under these rules and also after being satisfied that the applicant is not disqualified for being citizen of Bangladesh by or under any law for the time being in force, grant citizenship of Bangladesh to the applicant and issue a certificate of citizenship in Form C, or as the case may be, in form D.

8,. Appeal.-- Any person aggrieved by an order made under the Bangladesh Citizenship (Temporary provisions) order, 1972 may, within a period of 30 days from the date of receipt of order prefer an appeal to Government. Before making an order on such an appeal, the appellant shall be given an opportunity of being heard.

9. Cancellation of citizenship - The Governments if it has reasons to believe that an applicant for citizenship has knowingly furnished any false information or suppressed any material fact or abetted the commission of any such offence with a view to obtaining a certificate of citizenship or without lawful authority alters or, causes to alter a entries made therein, may, at any time, after making such enquiry as it deems fit and giving the person affected an opportunity of being heard, cancel his citizenship granted under rule 7 and punish him with imprisonment for a term which may extend to three mounths or with fine which may extend to three mounths or with fine which may extend to taka two thousand or with both.

10. Duplicate copy of citizenship certificate - (1) A person to whom a certificate of citizenship has been granted may, if his certificate is lost, damaged or burnt, or if he wishes to get his certificate of citizenship replaced by a certificate of citizenship with changed name or other particulars, apply in form E, in duplicate, to the Government.

(2) Every such application duly attested by a Magistrate of the First Class or a Notary Public shall be accompanied by four copies of passport size photographs of the applicant duly attested by a class I Gazetted officer or a Magistrate of the First class or a Notary Public.

(3) The Government may pass such orders on the application as it deems fit.

10A. Application for confirmation of citizenship - (1) any person seeking confirmation of Citizenship of Bangladesh shall apply to the Government in form F, in duplicate, and in the manner as provided in sub-rule (1) of rule 3.

(2) No application shall be considered unless :

a) it is attested by a class I Gazetted officer or a Notary public or by the first secretary or an officer of equal status of the Bangladesh Mission concerned; and

b) the affidavit accompanying the application contains a declaration of allegiance of the applicant to Bangladesh.

(3) The Government or the Mission or Consulate to which an application has been submitted under this rule may call for such further information or documents as are not available in, or as the case may be, submitted with, the application.

(4) on receipt of the application direct or through the Mission or consulate to which it was submitted, the Government shall take decision after necessary enquiries under Article 3 as to whether the applicant is deemed to be a citizen within the scope of Article 2 and if the applicant is found to be such a citizen, he shall be issued a certificate of confirmation of citizenship in form G) 2

11. Fee for citizenship application- 1. An application for citizenship under rules 3 (and 4 or for confirmation of citizenship under rule 10A) 3 shall be accompanied with a fee of Taka on hundred only or of foreign currency of equal value.

2. Article 10 A inserted by notification no-S.R.O. 2/3 L/81dated 12.6.81

3. Words in square brackets inserted for “and 4” by Ibid

(2) An application for duplicate certificate under rule 10 shall be accompanied with a fee of Taka fifty only or of foreign currency of equal value.

12. Immunity- No suit, prosecution or other legal proceedings shall lie against the Government or any officer or authority for anything done in good faith of intended to be done under the order.

By order of the President
Salahuddin Ahmed
Secretary