

PROCEDURE FOR APPLYING ONLINE FOR INDIAN CITIZENSHIP BY DESCENT UNDER SECTION 4 (1) OF THE CITIZENSHIP ACT, 1955

1. Introduction to Indian Citizenship:

The Constitution of India provides a single citizenship for the entire country. The Citizenship Act enacted by the Parliament in 1955 provides for acquisition, renunciation, termination, deprivation and determination of Indian citizenship. The Act provides for acquisition of Indian Citizenship by birth, descent, registration and naturalization.

2. Acquisition of Indian Citizenship by descent under section 4(1)

The salient features of conditions and procedures for acquisition of Indian Citizenship as per the provisions of Indian Citizenship Act, 1955 are mentioned below:

1. By Descent (Section 4):

- * A child born outside India between 26.01.1950 and 09.12.1992 shall be a citizen of India by descent, if the father of the child was an Indian citizen by birth at the time of the birth of the child. In case the father of child was an Indian citizen by descent at the time of the birth of the child, the child shall not be a citizen of India by birth, unless the birth of the child is registered with the concerned Indian Mission abroad **within one year** of the birth. Approval of the Central Government is necessary in all such cases where the request for such registration is made after the expiry of the said period.
- * A child born outside India between 10.12.1992 and 02.12.2004 shall be a citizen of India by descent, if either of the parents (father or mother) was an Indian citizen by birth at the time of birth of the child. In case either of the parents of child was an Indian citizen by descent at the time of the birth of the child, the child shall not be a citizen of India by birth, unless the birth of the child is registered with the concerned Indian Mission abroad **within one year** of the birth. Approval of the Central Government is necessary in all such cases where the request for such registration is made after the expiry of the said period..
- * A child born outside India on or after 03.12.2004 shall be a citizen of India by descent, if either of the parents (father or mother) is an Indian citizen at the time of birth of the child and the birth of the child has been registered with the concerned Indian Mission abroad **within one year** of the birth and the parents of the child have to submit a declaration that the child does not hold passport of another country. Approval of the Central Government is necessary in all such cases where the request for such registration is made after the expiry of the said period.

3. Key information about the form:

Type of form: Application for Registration of Birth of a Minor Child under section 4(1) of the Citizenship Act, 1955 shall be made in Form-I of the Citizenship Rules, 2009 to Indian Embassy/Consulate in the country where the child was born. The following documents are to be annexed with the application.

- A copy of the birth certificate of the child.
- A copy of the Indian passport of both the parents.
- A copy of the certificate of Indian citizenship if acquired by registration/naturalization.
- A copy of the marriage certificate of the parents.
- A declaration that the minor child does not hold the passport of any other country.

Note: The applicants are advised to go through the provisions of Indian Citizenship Act, 1955 and the rules framed there under before submitting the application for grant of Indian Citizenship.

4. Apply online for Indian Citizenship

A foreigner can apply online from the website http://mha.nic.in/icweb/ic_form_public.aspx in order to start the processing of getting the Indian citizenship. The facility for online submission of application forms under Section 5 (1) (a), 5(1) (c), 5 (1) (d), 5(1) (e), 5(1) (f) and 6(1) has been provided by MHA. The applicant can make application online for quick processing of the same by the concerned agencies and the Central Government.

A. Instructions before filling up the online application form for Indian Citizenship under Section 4 (1):

Online application form:

- Each online application form is meant for one person only. Separate application has to be filed for each applicant.
- The online form should be filled in Block/ Capital letters.

- Furnish information exactly in the manner asked for in the forms, especially the names, address and date of birth.
- Applicants are required to verify the application details before submitting the online application.
- Once the online application form is submitted by the applicant, then further modifications are not allowed. Hence applicants are requested to check and validate the details before submitting the online application form.
- Applicants are requested to keep the Internet File Number (generated automatically after the submission of online form) for printing of the online application form and for status tracking.
- Recent passport size photograph of the applicant is to be affixed on each form in the prescribed space. Photograph to be affixed on the application should be of square shape of size not less than 35*35mm (with 80% coverage by face). It should have light color background (not white) without border with front view of person's head and shoulders showing the full face in the middle of the photograph. It should not be stapled and should not have any signature. Photographs that do not conform to these standards will be rejected and may cause a delay in processing the applications.

Submission of form

- Applicant has to submit the duly signed/ self attested hard copy of the computer generated application form, and supporting documents to the concerned Indian Mission abroad where such child was born.

B. Process for Filling up Online Application Form

- 1) The applicant after accessing the above mentioned website shall select one option from the main menu. The options shall be:
 - Fresh apply
 - This option has to be used by the applicant who is applying online for Indian citizenship.

- **Modify application**
 - This option has to be used when an applicant has applied for the Indian Citizenship and later wants to modify the application. The applicant can access his/ her online application form after providing the Internet file number and date of birth.
- **Print application**
 - This option has to be used when the applicant after submitting the final online application form to the concerned Indian Mission abroad wants to take print. The online application form can be accessed by the applicant after providing the Internet file number and date of birth.

Instructions for filing Fresh application:

- i. The applicants are requested to please go through the provisions of Indian Citizenship Act, 1955 mentioned above and ascertain their eligibility for applying Indian Citizenship.
- ii. The applicant shall select the prescribed application form under section 4 (1) from the provided list of forms.
- iii. Once the form is selected by the applicant, the application form will be displayed automatically wherein the applicant shall fill the personal details of the child to whom the application is made and also the detail of his/ her parents.
- iv. After filling all the details in the online application form, the form is saved and submitted to the concerned Indian Mission.
- v. As soon as the form is submitted, an Internet File Number will be generated automatically and will appear on the screen as an acknowledgement. The applicants are advised to keep this Internet File Number for further correspondence and online status tracking. The applicant can modify/ edit filled up application form before submitting the same. Once the application is submitted to the Ministry, then further modifications/ editing in the online application forms are not allowed.
- vi. Applicant has to take the print out of filled up online application by clicking the Print application tab from the main menu.

Print application:

- vii. After clicking on Print application tab from the main menu, the applicant has to enter his/ her Internet File Number and Date of Birth as an identity to access the submitted application. A Pdf. application form shall be displayed with an option of pasting applicant's recent passport size photograph.

- viii. The applicant shall take the print out of the application submitted by them. He/ she is required to put his signature/ Thumb impression at the designated signature box.
- ix. The signed hard copy of the online application along with the requisite supporting documents for grant of citizenship is to be submitted in triplicate to the Indian Mission abroad where such child was born.
- x. A person who has not attained the age of 18 years is considered as minor. Parents /guardians must sign in the column prescribed for them in the form under Section 4 (1) of the Indian Citizenship Rules, 2009.

A. Post online submission of application form In the Missions for the form under Section 4 (1):

- i. In case the application is made after one year of the birth of the child, the application will be forwarded by the concerned Indian Mission abroad where such child was born, to the Ministry of Home Affairs (M.H.A.) directly for the approval of issuance of Indian Citizenship.
- ii. Each application is examined in this Ministry in terms of the provisions of the Citizenship Act, 1955 and the Rules framed there under. Thereafter, approval of this ministry is conveyed to the Indian Mission abroad wherever the application is found to be fully complete in accordance with the prescribed requirements.
- iii. The Indian Mission on receipt of approval of this Ministry, shall register the birth of the child as an Indian citizen.

General Instructions:

- 1. Once the application is filled and submitted, then applicant has to follow the instructions mentioned at the end of the hard copy (generated pdf. file) of online filed application.
- 2. Please check that all fields in the form are filled in and all necessary enclosures are attached before submission of the form to concerned Consular officer of the Indian Mission abroad. Half filled online requests will be rejected and may cause a delay in processing the applications
- 3. For problems in online filing of application for Indian Citizenship, please send an e-Mail to spsharma@nic.in mentioning details of problem.
- 4. You may send e-Mail to dsmmp-mha@nic.in for any suggestions and queries regarding Indian Citizenship.

5. Procedure (Section 4 of the Citizenship Rules, 2009)

The hard copy of the online application for grant of citizenship is to be submitted to the concerned Consular officer of the Indian Mission abroad where the child was born. If the application is made within one year of his/ her birth in the prescribed form to the Mission, then the mission shall provide the Indian citizenship on their own.

In case the application is made after one year in the Indian Mission abroad in the prescribed form, then the application is to be sent to the Ministry of Home Affairs for their approval. Each application is examined in this Ministry in terms of the provisions of the Citizenship Act, 1955 and the Rules framed there under. Approval of this Ministry is conveyed to the concerned Indian Mission abroad wherever the application is found to be fully complete in accordance with the prescribed requirements. Thereafter, the Indian Mission on receipt of approval of this Ministry, registers the birth of the child as an Indian citizen.
