

Dual Citizenship for NRNs

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The restoration of democracy in 1990 created an opportunity for middle and lower class Nepalis to move to foreign countries for higher education and in search of better life. The Maoist-insurgency commenced in 1996 yet generated a wave of movement of Nepali youths to the Middle East and Malaysia as temporary workers. Over one million Nepalis are estimated to be working in these countries. All together two million Nepalis, defined as non-resident Nepalis (NRNs) by an Act in Nepal, are believed to be working and living in 53 countries outside of South Asia. India alone hosts an estimated five million Nepali workers. The remittance from these migrants has become an important source of income for the country's flagging economy.

Nepalis in foreign countries are becoming increasingly successful in their professions, in business, technical and education sectors. Many of them are likely to be settled and become citizens of the host countries due to various reasons. Being a citizen of developed countries like Australia, Britain, Canada, Japan and USA has benefits in a number of ways, for example, career development, pension facility, education of their children and travel facility. In fact, many of early migrants have already become citizens of these countries. Similarly, the migration of ex-Gurkha soldiers and their families in the UK has been rapidly increasing since the British government's decision in 2004 to provide the settlement rights to them. Hundreds of Nepalis move to USA every year with DV lottery visa with an aim of becoming US citizens. Sadly, Nepal's exiting law forbids its citizen to retain the citizenship of Nepal after acquiring the citizenship of another country. According to Section 10(i) of the citizenship act, any citizen of Nepal who voluntarily acquires the citizenship of any foreign country automatically loses the citizenship of Nepal. Due to this legal provision, migrant Nepali and especially their future generation are likely to lose the emotional and cultural bonding with the land of their ancestors.

The Non-resident Nepali Association (NRNA) has demanded the dual citizenship (rights to retain the citizenship of Nepal even after the acquisition of the citizenship of another country) for NRNs with a consideration that this measure will not only forge the strong linkage of diaspora with Nepal but also facilitate their contribution to socio-economic development of Nepal through skills and technology transfer and investment. Major political parties have not shown any disagreement with NRNA's demand. They have promised to provide the dual citizenship for NRNs in a number of formal and informal occasions and as well in their election manifesto. The Maoist-lead government committed the same in its annual policy and program (APP), which was presented by President Dr. Ram Baran Yadav at the Legislature-Parliament Meeting in September 2008.

Many countries in the world have granted the dual citizenship rights in some form or the other. Some countries permit the dual citizenship without any legal restrictions and some other allow with limited restrictions and conditions. Many other countries are in the process of changing in their citizenship regulations to grant the dual citizenship to their ex-citizens. The countries which have already implemented the dual citizenship include from developed nations like America, Australia, Britain, Canada, France, Italy, Switzerland and Russia as well as developing countries like Syria, Philippines, Mexico, Peru, Ghana, South Africa, and Lebanon. Our neighboring countries Bangladesh, India, Maldives, Pakistan and Sri Lanka also permit the dual citizenship in various forms.

Various models of the dual citizenship are in practice in the world. The overseas citizen model as adopted by India is one of them. India grants the overseas citizenship of India (OCI) to persons who migrated from India and acquired citizenship of a foreign country other than Pakistan and Bangladesh. An OCI enjoys rights of an ordinary Indian except the rights for voting, public employment, constitutional posts and candidacy in legislative councils. Bangladesh also permits the dual citizenship with a motivation to attract foreign investments and skills. Bangladeshi citizen automatically lose their citizenship after acquisition of another citizenship but they can regain the citizenship of Bangladesh through legal process. They are issued the dual nationality certificate (DNC) of Bangladesh, which is different from normal citizenship of Bangladesh. DNC is provided with a condition that DNC holder makes regular or periodical remittance of foreign exchange. Sri Lankans are also allowed to regain the citizenship of Sri Lanka provided that they contribute to the socio-economic development of Sri Lanka.

The government of Nepal has not clarified its current position on the modality of the dual citizenship. It has mentioned in the APP that the dual citizenship may be granted to NRNs to encourage investments in industries, business and infrastructure development. This clearly indicates that the government might be considering the dual citizenship to the potential investors like in Bangladesh and Sri Lanka. However, it is less likely that this provision will immediately attract large investments from NRNs matching the government's expectation. This is because currently there are only a very limited number of NRNs who are affluent enough to bring large investments. It will take a while for the majority of the first generation NRNs to place them in such a position. Also, this model will not permit ex-Gurkhas and other professionals, who are not able to bring investment to Nepal, to regain the citizenship of Nepal. Therefore, the NRNA should closely work with the government to develop a model of the dual citizenship which benefits not only investors but all NRNs. There has been a discussion within the NRNA community that the dual citizenship can be granted for NRNs by simply removing Section 10(i) of the Citizenship Act. In this case, Nepali citizen can keep the full-fledged citizenship of Nepal and another country, provided that the host country also permits the dual citizenship. However, it may be extremely difficult to bring all political parties in consensus to introduce such a progressive legislation. The

best compromising deal at present would be to grant NRNs the Overseas Citizenship of Nepal (OCN) with legal restrictions similar to those of OCI.

In conclusion, the dual citizenship is a growing phenomenon in the world and Nepal can't be left behind the race. Many countries consider their diasporas as an extension of cultures, markets and economic influence of their own countries. The Nepal Government should also grant the dual citizenship to foreign citizens of Nepali origin and create an environment for NRNs to contribute in nation building. As a new constitution is being drafted in Nepal, the government should utilize this historic opportunity to integrate all NRNs spread all over the world for the development and prosperity of Nepal.

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