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# Diaspora and the Non-Resident Citizenship Issue

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## Abstract

Diasporas are the group of people who have left their home country for various reasons but have maintained links with their homeland and society in different ways. Diasporas have become very important these days for both developing and developed countries. They have been contributing to their countries' socioeconomic development as well as playing important roles in investment, technology transfer, foreign affairs, and other areas. Diasporas can be categorized into different types based on the reasons for leaving their homelands. Such categories include victim diaspora, colonial diaspora, trade diaspora, labor diaspora, etc. The diasporas have evolved through various phases: from early (victim) diaspora to people who migrated to other countries in search of better opportunities. This process has helped evolve different approaches to citizenship: from the traditional bounded citizenship to transnational citizenship to the currently evolving notion of global citizenship. The Government of Nepal has upheld a policy of utilizing Non-Resident Nepalis' knowledge, skills, technology and capital for the country's development and has made legal arrangements to facilitate NRN's activities. The Government of Nepal issues NRN identity cards to all interested NRNs and NRN citizenship certificates to foreign citizens of Nepali origin. Legal arrangements are yet to be made to fully implement the NRN citizenship. But, a seriously thought-out policy has to be formulated and implemented to effectively benefit from the knowledge, skills, technology and capital acquired by the Nepali diaspora. Under such a background, this article aims to briefly discuss the evolution of the diaspora in general, the concept of citizenship among the diasporas, and the issue of Nepali citizenship to foreign citizens of Nepali origin.

*Keywords:* diaspora, migration, non-resident Nepalis, NRN citizenship, dual citizenship

## Introduction

Diaspora discourse has evolved as one of the major fields of study these days. This is because diasporas have become important from economic, social and foreign policy perspectives. In the present-day world, remittances sent by diasporas have become a significant source of income for many countries; ethnic/national identities

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have evolved as a crucial factor in social movements and social developments; and diasporas have also been playing a critical role in foreign affairs. According to the *World Migration Report 2024*, the number of migrants worldwide was 281 million in 2020, and global remittances reached USD 831 billion in 2022 (IOM, 2024). While diasporas have been playing an important role in many countries, their management, too, has become increasingly complex. Migration has emerged as an international issue that needs the attention of and cooperation among, source, transit, and destination countries.

In the Nepali context, too, diasporas have developed as a very important source of remittances, accounting for about a third of the country's Gross Domestic Product. Similarly, diasporas have acquired a gradual recognition as one of the factors in Nepal's foreign affairs. The Government of Nepal has upheld a policy of utilizing the contributions of its diasporas (NRN) for the socioeconomic development of the country (NRNA, 2024). At the same time, creating a favorable environment for the diasporas and addressing their concerns have become matters of priority for the Government.

### **Diaspora: A Brief Account**

The word "diaspora" comes from the Greek word, "*Diaspeiro*", which means "to scatter" or "to disperse." The term "diaspora" has been defined in different ways. For example, the International Organization for Migration (IOM) has defined diaspora as "migrants or descendants of migrants whose identity and sense of belonging, either real or symbolic, have been shaped by their migration experience and background. They maintain links with their homelands, and to each other, based on a shared sense of history, identity, or mutual experiences in the destination country" (IOM, 2019). The *National Geography* has defined the term as "a large group of people who may share a national or regional origin, but for a variety of reasons, are living outside of this traditional homeland" (National Geographic, 2025). L. Anteby-Yemini and W. Berthomière have referred to the diasporas as "migrants maintaining their ethnic tradition, a strong feeling of collectiveness" (Anteby-Yemini & Berthomière, 2005).

Whatever the definition of the term, the central point boils down to "communities of migrants who retain some connection with a home state" (Kennedy, n.d.). In other words, diasporas are a group of communities who, for various reasons, have left their traditional homeland but maintain some kind of connection or link with their state/society of origin. Such links or connections with the home state can take different forms: remittance, help at difficult times, preservation of culture, investments, promotion of home country's trade, tourism or at times, promotion of the home

country's national interests as the source of soft power. Even the maintenance of mere cultural identity can be a link with the home state.

Diasporas can be categorized into different types based on the reasons for leaving their homeland. Some of the major types include the "victim diaspora", the "imperial/colonial diaspora", the "trade diaspora", the "labor diaspora", etc. Victim diasporas are the ones who were/are driven out of, or forced to leave, their homeland due to various life-threatening and traumatic conditions. Such conditions may take different forms: historical expulsion and discrimination (Jews); slavery (Indians and Africans); economic problems (Irish people) and conflicts (the Armenians, Palestinians, and Syrians). The Jews, for example, were driven out of Babylon in 586 BC; the Indian and African indentured laborers were transported by the British rulers to work in sugar plantations (known in India as the Giritiyas). The Armenians were driven out by the Turks to Syria and Palestine. In modern times, the Bhutanese people of Nepali origin who were chased away by the rulers in the 1990s also belong to this category.

Imperial or colonial diaspora constitutes the people from colonizing powers who migrated to colonized countries. They settled there and enjoyed facilities and benefits disproportionate to the local population. In *The White Mughal*, William Dalrymple (2002), gives a wonderful account of the fabulous life enjoyed by British citizens in colonized India (Dalrymple, 2004).

Trade diaspora includes the persons who migrated to other countries in the course of trade and commerce. Different incentives and attractions motivate traders to settle in other countries. Labor diaspora are the people who migrate to other countries in search of work. This has become more frequent these days, especially from developing countries to developed ones. Declining populations and more demand for workers resulting from a country's enhanced level of development have increased demands and opportunities for labor diasporas. Some diasporas migrate to other countries for separate reasons. The spread of the Vikings from Scandinavia across the Northern Hemisphere from the 8<sup>th</sup> to the 11<sup>th</sup> centuries are also considered diasporas though they cannot be grouped in either of the above categories (National Geographic, 2025).

Cohen has identified four phases of the evolution of the diasporas. The first phase includes the early diaspora, also called the "victim diaspora", as discussed above (Cohen, 2008). The second phase was noticed in the 1960s in which every person who migrated to another country was called a diaspora. During this phase, people used to migrate across borders, but the movements were limited, if compared

to recent times. The third phase constituted the migrants who migrated to other countries in search of better opportunities, especially after the end of the Cold War. The wave of democracy, accompanied by globalization and economic liberalization, greatly contributed to the movements of the people across their national borders. Their movements are marked by “transnationalism”, i.e. they want to acquire citizenship of another country. This gave rise to the concept of dual nationality. This was followed by the final (fourth) phase. This phase is marked by the concept of global citizenship. People have started thinking of themselves as global citizens. They may hold the citizenship of any country or countries, but they prefer not to be limited to the confines of a single country. In the modern days, when human rights are person-based and not based on nationality, citizenship of a single country is gradually losing focus and priority.

Whatever the cause of migration and the type of citizenship, modern diasporas share three common characteristics: i) Most of them have left their home country in search of better opportunities which Harpez (2018) calls “compensatory migration.” It implies that people who are not in a position to enjoy certain facilities and benefits in their home country try to avail them in another country, and thus “compensate” the home deficit in a foreign country. ii) They do not want to be confined within the limits of the citizenship of a country. They consider themselves as global citizens and take citizenship of another country/other countries. iii) They maintain a link to their homeland in either of the many ways mentioned above (Harpaz, 2018).

### **Diaspora and Citizenship**

Traditionally, citizenship has been provided through a legal link and relationship between an individual and a state. States provide rights and security to their citizens based on citizenship. Citizenship is also a basis for differentiating between citizens and foreigners. Constitutions provide different treatments to the “citizens” (i.e. the citizens of the state) and the “persons” (which means any individual, irrespective of his/her citizenship).

Democracy, globalization and liberalization have posed challenges to the traditional notion of bonded citizenship and have introduced the concept of “transnationalism”. Migrants try to acquire citizenship of their host countries, while at the same time, retaining the citizenship of the sending state. Both economic and socio-cultural reasons have contributed to the quests for such dual or multiple citizenship. Transnationalism was more practiced after the end of the Cold War and is still preferred and sought after. It has been found that dual/multiple citizenship is the preferred choice for both the citizens of developing countries as well as of the

developed ones (Bloemraad, 2004). However, their interests and preferences differ significantly. About half (49 percent) of the countries in the world allow dual citizenship. Several factors have played a role in deciding whether or not to allow dual/multiple citizenship. Globalization and openness, liberalization, declining populations and workforces, requirements of professional manpower, enhanced level of development requiring a greater number of workers, ethno-cultural affinities and many other factors have necessitated states to allow dual citizenship. According to a survey conducted by *Immigrant Invest*, 127 countries in the world allow dual citizenship, whereas 58 countries are listed as those not allowing dual citizenship (Immigrant Invest, 2025).

There is an emerging trend of what Bloemraad calls “post-nationalism”. The traditional concept of bounded citizenship is being weakened and is gradually being replaced by the notion of individuals beyond the state. The recognition of the man as a “person” and the strengthened phenomenon of human rights, has given rise to the idea that a person is entitled to basic human rights and a minimum standard of living irrespective of his/her citizenship and the place of stay has weakened the notion of citizenship as such. This idea has introduced the concept of global citizenship. Having said all this, it must also be mentioned here that the notion of post-nationalism or global citizenship is still in the formative stage, and states are the primary actors in matters relating to citizenship (Bloemraad, Esses, Kymlicka, & Zhou, 2023). However, it can be safely said that post-national citizenship is a real possibility.

### **The Nepali Context**

Nepali Diaspora: Nepalis are found to have started migrating to other countries as early as the beginning of the 19<sup>th</sup> century. The first recorded migration of the Nepalis was the enrollment of Nepali nationals into the army of Ranjit Singh, the ruler of Punjab (Rai, 2024). Subsequently, Nepali citizens started joining the British Indian Army in 1815. Many of these army personnel and their family settled in India and Burma (Myanmar). There are unconfirmed reports that Nepalis, too, were among the indentured laborers that the British rulers transported to sugarcane fields in different countries, especially after the abolition of slavery from the British Empire in 1833. Few descendants of such Nepali indentured laborers are found in Fiji. After those historical events, more specifically after the 1990s, millions of Nepalis have migrated to many other countries in search of better opportunities. A survey has found Nepalis in 173 countries, except India (Khabarmala, 2025).

The discourse about diaspora is relatively a recent phenomenon in Nepal. It was

only after the restoration of democracy in the country that the Government of Nepal systematically initiated the policy of utilizing the contributions of its diaspora in the country's development, and the NRNs, on their part, started thinking collectively about supporting their ancestral land in any way they can. Subsequently, the Non-Residential Nepali Association was established in 2003, and gradually its subsidiaries gathered momentum in other countries. Now, the NRNA claims that it has country associations in about 83 countries around the globe (NRNA, 2024).

The NRNA took up matters relating to the interests and the willingness of the Non-Resident Nepalis (NRN) with the Government of Nepal. The Government of Nepal has responded to the call of the NRNs and has implemented various legal instruments. Nepal's Parliament passed an Act in 2064 BS related to Non-Resident Nepalis. This Act includes provisions to facilitate the identification of NRNs and their stay in Nepal as well as those facilitating their businesses here. The Act allows NRNs to open bank accounts in foreign currencies; have non-resident Nepali visas for up to ten years; run businesses; and facilities as provided to foreigners regarding foreign investment in Nepal and authorize the purchase of land and other properties for residence in Nepal. The NRN Rules of 2066 BS substantiate the provisions of the 2064 BS Act (Law Commission Nepal, 2008).

The Constitution, promulgated in 2015, has recognized the role of the NRNs in the development of the country and has provided for Non-Resident Nepali Citizenship to foreign citizens of Nepali origin. The Constitution states that persons of Nepali origin, who have acquired citizenship of a foreign country (except SAARC member countries), will be eligible for Non-resident Nepali citizenship. Holders of such Citizenship will enjoy economic, social and cultural rights as provided by the federal laws (AOG, 2015).

The NRN-Citizenship: Nepali citizenship for foreign citizens of Nepali origin is one of the earliest demands of the NRNA. Subsequently, the Citizenship Act was amended, Citizenship Rules were formulated, and the Government of Nepal started issuing NRN citizenship from 17 October 2023 onward. According to the NRNA, about 4500 foreign citizens of Nepali origin have so far acquired NRN citizenship certificates. However, in the absence of laws to implement the constitutional provisions, the legal status of NRN Citizenship is yet to be fully defined, interpreted and implemented. Recently, on 13 January 2025, an Ordinance made provisions for residential visas for up to ten years for the holders of NRN citizenship and their families. Such visas would be issued free of charge (The Kathmandu Post, 2024).

The NRN-citizenship certificate so far does not have much practical utility. In the



absence of laws to implement the constitutional provisions, (Act or Rules), any holder of the NRN citizenship is not in a position to claim or enjoy any right as an NRN citizen. At present, the NRN citizenship is practically less useful than even the NRN-Card. There are a few critical questions that need to be answered concerning the NRN citizenship:

1. Status of the NRN citizenship: First and foremost, the status of the NRN citizenship needs to be clarified. Are the holders of NRN citizenship “Nepali citizens”? If not, why is this document called a “citizenship certificate”?
2. Do the holders of NRN citizenship enjoy fundamental rights as provided by Nepal’s Constitution? This question also applies to other provisions of the constitution relating to Nepali citizens. Such questions relate to property rights, social security, employment, and several other areas.
3. How does the international community view and treat NRN citizenship? Sources from the NRNA say that foreign governments consider NRN citizenship as Nepali citizenship. This question has many implications. For example:
  - a. A foreign government not allowing dual citizenship may cancel its citizenship provided to the holder of NRN citizenship. In such a situation, the holder of NRN citizenship could end up as a stateless person.
  - b. Does the international community recognize and accept NRN citizenship as Nepali citizenship? More directly, does India allow a holder of NRN citizenship entry into India as a Nepali citizen?
  - c. Given the number of countries that do not allow dual citizenship, it will create serious problems for the holders of NRN citizenship in those countries. Conversely, it may discourage foreign citizens of Nepali origin from acquiring NRN citizenship.
4. Nepal is a party to major international instruments on human rights, including the International Covenant on Economic, Social and Cultural Rights. Some of these rights are closely and inseparably linked with political rights. Moreover, the notion that economic, social and cultural rights are parts of human rights is gaining ground in the international arena. The Government of Nepal will have to take these aspects into account while deciding about the rights of the holders of NRN citizenship.

The existing laws of Nepal provide some hints to the answers to some of the

questions above. For example, Article 14 of the Constitution says that holders of NRN citizenship shall be entitled to economic, social, and cultural rights “in accordance with the Federal laws” (AOG, 2015). This provision has conditioned the status of the NRNs. They cannot enjoy constitutional rights but are entitled to enjoy the rights as provided by “Federal laws.” Thus, they are not entitled to the rights guaranteed by the Constitution to Nepali citizens, for example, fundamental rights. Similarly, some Acts have provisioned that NRNs would be treated in accordance with the laws. For instance, Articles 432 and 433 of the Civil Code, 2074 BS provide different treatments to NRNs with respect to the sale or inheritance of immovable properties (Law in Prtners, 2025). There are such provisions in other laws as well. Therefore, the state needs to clarify the status of the NRN citizenship, and make policies and laws accordingly, including the amendments in the Constitution, if necessary.

## Conclusion

The Government of Nepal is considering replacing the existing NRN Act with a new one that would clarify the facilities that NRN citizens would enjoy. There appear to be three alternatives regarding the treatment of the NRN citizenship:

- i) Let the NRN citizens enjoy only the facilities that are accorded to NRNs at present, i.e., as provided to the holders of NRN identity cards. In this case, the NRN citizenship will be equal to the NRN ID card.
- ii) Nepal can allow dual citizenship. In this case, persons holding foreign passports, including NRNs, can simultaneously acquire NRN citizenship. Such citizenship will be treated at par with Nepali citizenship.
- iii) Continuation of Nepali citizenship once acquired. This means that the NRNs who were Nepali citizens at any point of time in the past are *ipso facto* considered Nepali citizens. In this case, the legal provision of the cancellation of Nepali citizenship at the acquisition of citizenship in a foreign country needs to be revised.

There are two opinions among the NRNA and the NRNs about the status of the NRN citizenship. One view seems more revolutionary and prefers either dual citizenship or the continuation of earlier citizenship. Another view seems content with the present arrangements but seeks equal treatment with Nepali citizens in matters relating to economic, social and cultural rights. Whatever the views among the NRNs, there is no disagreement that this is a serious matter and needs in-depth studies before choosing either of the above alternatives.



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