

Impact of Citizenship and Immigration Law on National Security of Nepal

Sachin Dahal

Abstract

The citizenship and immigration laws are regarded as the foundational units to assure the security of citizens and also to serve the national integrity. This article discusses about the impact of Nepali citizenship and immigration law on national security of Nepal. What may be the significance of citizenship and immigration law of a nation in an increasingly global society? Has Nepal considered immigration as a threat to security by focusing on societal, economic, internal and public security? In order to elaborate the issues of human security in Nepal from the perspectives of citizenship realm and trends of immigration, it is necessary to investigate the provisions of citizenship provided in the constitution as well as the laws that oversee the effect of immigration on the socio-cultural, political and economic demographics of Nepal. Importance of strong citizenship laws proliferate continuously from dual and transitional citizenship in the context of globalization. Considering the geopolitical location of Nepal and its vulnerability to the possible threats, Nepal's citizenship and immigration laws have always been the integral part of debate and discussion among the politicians, intellectuals and general public. The development of national security of any country is dependent upon

the quality of dignity, liberty and protection ensured to its citizens by the state. So, the economic, social and political rights should be granted to the citizens in equal manner through citizenship while guarding against pretentious foreign interests. Nepal needs to have strong citizenship and immigration laws to sustain its territorial integrity and protect national interests.

Keywords: citizenship, immigration, law, globalization, geopolitics, society, national security.

Introduction

The need to sincerely observe the citizenship and immigration law of Nepal is escalated as the dynamics of globalization is putting pressure on attributes of sovereignty with perseverance. Citizenship is a legal certificate provided to citizens by the government that dignifies the citizen with civil rights meanwhile duties are expected in return for belonging to the state. And Citizens are the people who hold the citizenship and enjoy the rights proclaimed in the constitution. Citizenship can be utilized within the territory of the country and outside the country; it is useful for the personal identification in foreign lands. Immigration is the action of settlement of non-native or foreign people

in the country in which they do not have citizenship. Immigration laws are made to ensure the ownership of the resources of the country to its people, to protect the culture and for the safety of the citizens. Immigration imparts both negative and positive effects on the economic, social, political, cultural, and technological aspects of the people in the host nation. The immigration and citizenship policies of a country are directly related with the right to self-determination. It is the responsibility of the nation towards its citizen to make the immigration and citizenship policies that are not controversial. Whatever may be the origin of a person, a citizen is the basic building unit of a nation-state and the citizenship is the holy contract of his/her security and nationality. In present context of the world, people want to travel around places and learn different cultures. Multinational establishment of industries, technological outsourcing and academic resources provide basic platform for people to live a cosmopolitan life. Increasing number of people is accepting a quasi-citizenship or residence in the countries where they can get opportunities for economic and personal growth without any regard to suffrage. However, Globalization also discredits the foundational ideology of the nation-state and increases the prospect of formation of Diasporas in the host nation. Though, the tendency of belonging to a fixed state or community is diminishing due to the flourishing Globalization and Liberal market capitalism, the threat this phenomenon possess in national security and nationalism is rather increasing. So, citizenship and immigration law has never been so massively integral part of national security than it is in contemporary world of globalization.

The geo-strategic location of Nepal has always made it vulnerable when it comes to

national security. Jammed between two overly populated countries, Nepal's citizenship and immigration policies have always played significant role in national security. The factors like political instability, weak diplomacy, aid dependency, social backwardness, erosion of nationalism are the major security threats for small states (Baral, 2017, pp. 6-13) that are already being dealt with by Nepal. The modern concept of security of the states has transferred towards the aspects of human security that fundamentally deal with social, political and economic liberty. This article focuses on the elaboration of concepts of citizenship, citizenship laws of Nepal, trends of immigration, globalization and aims to describe human centric theory of national security on the basis of legal assurance provided by the government.

Methodology

The article is prepared on the qualitative and theoretical approach of research by studying books, journals, reports, laws and research papers concerning to citizenship, immigration, globalization, terrorism, human security, philosophy, international relation, constitution, acts, personal life experiences and national security. It is attempted to build relations between ideas and theories of citizenship and immigration with security of Nepalese people and national interests of Nepal through contemporary examples of national and international cases.

Analysis of the main Issue

Although Khas Aryan people are credited with founding the modern Nepal and Nepali language, Nepal has always been a multiethnic, multicultural, multiracial and multilingual region since the commencement of the civilizations in the foothill territories of the Himalayas. It is contested among

historians and scholars about who inhabited the territories of modern-day Nepal in the Paleolithic, Mesolithic and Neolithic ages. The Kirati people who are considered aboriginal people of Nepal are believed to have settled in the foothills of the Himalayas after emigrating from Tibetan region about 4000 to 4500 years ago. (https://en.wikipedia.org/wiki/History_of_Nepal). In the Genetic studies of another aboriginal tribe known as Tharu, they have been found to be crossbreds of Indo-Aryans and Mongols (https://en.wikipedia.org/wiki/Tharu_people). The notion of nationality and nationalism cannot be carried by chosen group of people. The collective purpose of national security is enforced by the consciousness of nationalism if all class and creed of people are unified equally by citizenship. It is evident that immigration of various tribes in the different periods since historical times has imparted tumultuous effect on the demographic dynamics of Nepal. The factors like economic, cultural, psychological, social and environmental effects might have induced migration in the ancient times but in the modern times such immigration causes distinctive set of problems because of the context of sovereignty of nation-state and restrictive concepts of citizenship. The strength of the nation depends upon the sense of nationality among all citizens regardless of the ethnicities and the security of the citizens is founded upon the equality of citizenships. The eastern thinker Kautilya in his book '*Arthashastra*' has written that a state could be at a risk from four types of challenges-internal, external, internally aided external and externally aided internal (Baral, 2017, p. 7). The rise of ethnonationalism and conflicts relating to religion and caste are certainly challenging the stability and security of Nepal, internally. The immigrant diaspora of modern Nepal is characterized by

their generic custom of cross border family ties by marriage. Kautilya also stated that 'any person who is married to a foreigner should not be administered in state's affairs' which is paradoxical because one can hardly imagine a nation in which all families have ties with the foreigners. Since Nepal is yet to publish the National Security Policy, it is hard to perceive if the immigrant diaspora is regarded as the possible nuisance to the longevity of sovereignty of small country with limited capacity and resources.

Nepal evolved as a nation-state with acculturation of many tribes and assimilation of languages in the 18th century after the unification campaign of King Prithvi Narayan Shah. The open border condition signed in the Indo-Nepal Treaty of Peace and Friendship in 1950 (Articles 6 & 7) ensured reciprocal treatment of nationals present in each other's territory, in the matters of residence, ownership of property, participation in trade and commerce and free movement without passport and visa requirement. During the period of 1961 to 1981, the population of terai increased by 2.5 times, the net migration increased by 6.4 times and the share of terai population increased from 34.7 to 48.7 percent (Gartaula, 2013, p. 34). Though there is no official data regarding effect of immigration on the national economy of Nepal, the minority of immigrants has kept increasing since then and some small groups have even demanded full autonomy of the region with special citizenship rights. More than 100,000 Nepali speaking people were settled in Nepal after their forced exile from Bhutan in 1990s, now only few thousand of the refugees remain since most of them have been resettled in Europe and Americas after 2007. Also, it is estimated that 20,000 Tibetan refugees have stayed in Nepal after the revolt against China in Lhasa in 1959.

They have been allowed safe passage to India and chances for education and small business in Nepal. The political issue of Tibet is still contested among Global powers. Tibetan refugees have frequently used Nepalese soil to meet their political interests; such activities can create detrimental effects in Nepal's relation with its neighbor, China. Recently, some hundreds of Rohingya Muslims from Myanmar have also entered Nepal. Any country in the world is obliged to provide citizenship to the person, whether he/she arrived by legal or illegal means, who has stayed in that particular country long enough to live with their language and culture. But Nepal has not signed the 1951 UN Convention Relating to the status of Refugees, expressing unwillingness to provide legal status and economic rights to refugees. According to the Immigration Act of Nepal that is in practice, "immigration" means the process of entry of foreigners into, their presence in, and their departure from, Nepal. Also, "foreigner" means any person who is not a citizen of Nepal for the time being (DOI, 2008, p. 15). The part 3 of the immigration act with the heading of 'Provisions relating to entry, presence and departure' mentions in the first case that 'no foreigner shall enter into and stay in Nepal without holding a passport and visa.' Basically, the immigration law of Nepal is related with official facilitation of foreign diplomats and tourists. The foreigners who do not need passport and visa to enter Nepal (by immigration law) are those people who just do not have Nepali citizenship. The Immigration law of Nepal is very superficial and only deals with the overseas diplomats and tourists who require visa to travel to Nepal. The law does not mention about people moving across border on land. Since there is no law to define immigrants, the non-citizens who dwell in Nepal can neither be considered legal nor illegal. The legal

process for acquiring visa and rules of border crossing are the fundamental frontiers of Immigration Policies. Nevertheless, Nepal could make moves towards formulating national immigration policies concerning with national security and economic interests with shrewdness to harness the benefits of migration (Adamson, 2006, p. 199).

The concept of citizenship was promulgated in Nepal only after the mid-20th century. Before the first ever citizenship act of 1952, foreigners were recognized communally and they were restricted from acquiring property or participating in government affairs. The first citizenship act of Nepal stated that citizenship be given to the person; by birth if the parents are Nepalese citizen, by marriage to a Nepalese man who had been living permanently in Nepal with his family, by anyone living in Nepal for more than 5 years and by children born abroad to a Nepalese father and mother (Shrestha, 2017, p. 2). The theories of citizenship were included in the Nepalese constitution for the first time in 1962. Subsequent elaborations were made in the Nepal Citizenship Act of 1964 in which 3 categories of citizenship were defined; by descent, by naturalization and by honorary citizenship. The 1990 Constitution had no provision for awarding citizenship by birth. Until the interim constitution of 2007, the patriarchal nature of citizenship laws discriminated against women by not allowing any clause for providing citizenship to children through mothers. In the Interim Constitution of Nepal-2007, it was stated that children could receive citizenship from their mothers too; but implementation part was rather undermined. Traditionally, Nepalese women get citizenship through either father or husband. Nepal is the signatory of International Covenant on Civil and Political Rights [ICCPR], Child Right Convention

[CRC], International Covenant on Economic, Social and Cultural Rights [ICESCR] and Universal Declaration of Human Right [UDHR]; that were formulated by the United Nations in 1976, 1989, 1976 and 1948 respectively; all of them focus on human liberty and dignity by preventing various vulnerabilities and threats experienced by people. Part 2 of the (present) Constitution of Nepal 2015 defines the articles of citizenship. Article 11.3 states that:

A child of a citizen who has acquired citizenship of Nepal by birth before the commencement of this constitution shall, if his/her father and mother both are the citizens of Nepal, shall be entitled to Nepali citizenship by descent upon his/her attaining the age of majority. ()

Article 11.4 states that “Every child found in Nepal whereabouts of whose paternity and maternity is not known shall until the mother or father is traced, be deemed a citizen of Nepal by descent.” This article has guaranteed the guardianship of such minors and orphans by the state and protected a child from being stateless as provisioned in CRC. Article 11.5 states that

A person born to a Nepali citizen mother and having his/her domicile in Nepal but whose father is not traced. Shall be conferred the Nepali citizenship by descent; Provided that in case his/her father is found to be a foreigner, the citizenship of such a person shall be converted to naturalized citizenship according to the Federal law.”

Though Federal Law will also be very much important in this concern, article 11.5 has promised a paradigm shift towards respecting women’s right to pass the citizenship to her children even in the absence of the father’s

identity (Upadhyaya, 2075, p. 66). However, Nepal is one of the 25 countries in the world that do not provide equal conditions for women in conferring nationality to their children (UNHCR, 2019, p. 6). Also, Nepal ratified the UN Convention on the Elimination of all Forms of Discrimination against Women in 1991. Article 11.6 states that “if a foreign woman married to a Nepali citizen so wishes, she may acquire naturalized citizenship of Nepal as provided for in a Federal Law”. Article 11.7 states that “In case of a person born to Nepali woman citizen married to a foreign citizen, he/she may acquire naturalized citizenship of Nepal as provided for by a Federal law if he/she is having the permanent domicile in Nepal and he/she has not acquired citizenship of the foreign country; provided that if his/her father and mother both are the citizen of Nepal at the time of acquisition of the citizenship, he/she, if born in Nepal, may acquire citizenship by descent.” This article proves that the Constitution of Nepal is very liberal in nature with respect to possibility of granting citizenship to non-citizens. Article 14 is about Non-residential citizenship which states that

“the person who has acquired citizenship of a foreign country and residing in a country other than the country which is a member of the South Asian Association of Regional Cooperation (SAARC) and who or whose father or mother, grandfather or grandmother was a citizen of Nepal by descent or birth and later on has acquired citizenship of Nepal entitling him/her to the economic, social and cultural rights as provided for in a Federal Law.”

Article 15 states that “Record shall be maintained of each citizen of Nepal along with his/her identity, and other provisions

as to citizenship shall be as provided for in the Federal Law.” According to estimates from the Nepalese Forum for Women, Law and Development (FWLD), there were well-over 4 million people living in Nepal without citizenship in 2015; approximately 87 percent of eligible men acquired citizenship while only 74 percent of eligible women acquired citizenship. The constitution of Nepal 2015 grants Right to Citizenship to all Nepalese citizens. Nepal can neither expect nor ensure the allegiance to national interests and loyalty to national sovereignty from the stateless people living in its territory.

National independence, territorial integrity and national security are the most important issues for any sovereign and independent country, and this is true for Nepal as well, while in modern times Nepalese perception of national security has evolved around the broader concept of human security (Bhattarai, 2009, pp. 67-90). Human security is concerned with the creation of secure social, political and economic environment where citizens have the access to proper basic needs, opportunities to pursuit wellbeing and happiness, freedom of choices for employment, innovation & entrepreneurship and have the liberty to live in dignity; by protecting citizens from threats of crime, war, deadly diseases, digital & intellectual espionage, misinformation, environmental disaster, terrorism & ethnic conflict through enforcement of the rights associated with the citizenship that is provided by the state. There are five basic components of human security: i) Ensuring socio-economic and political rights of individuals, ii) Ensuring freedom of expression and movement of individuals iii) Protection of individuals iv) Ensuring basic needs of individuals v) Protection from fear (Upreti, 2019, p. 1). Nationality is the basic platform that provides

social, economic and political security to individuals legally guaranteed by citizenship. The major fundamental rights provided to the Nepalese Citizens by part 3 of the Constitution of Nepal-2015 are freedom of opinion and expression, freedom to assemble peacefully and without arms, freedom to form political party, freedom to form unions and associations, freedom of movement, freedom to employment and entrepreneurship, right to equality, right to communication, right to justice, right to property, religious freedom, right to information, right to privacy, right against exploitation, right to education, right to language and culture, right to basic needs and social security. The constitution protects all Nepalese citizens against any form of discrimination based on gender, ethnicity, religion, race and caste. Apart from enjoying the rights, without citizenship people cannot even open bank accounts, cannot possess fixed assets, cannot appear in professional exams, cannot gain passport, cannot register birth, cannot get driving license, mobile phone SIM card, marriage registration and cast vote. Human rights must be ensured by the state to focus on human security and societal security. If the marginalized people, ethnic, linguistic, religious minorities feel discriminated by the state for acquiring citizenship, it can erode cohesion and mutual respect leading to domestic conflict and opportunity for external forces to dip-in. Amongst other securities like economic security, environmental security, societal security; political security is deemed the most important by the minorities in Nepal. Full participation in politics and right to vote are the important elements enforced by the Citizenship. Hence efficient systems of acquiring citizenship are a must for preventing radicalization of ethnic minorities and for promoting national security with inclusive social welfare and mutual respect.

Even in the 21st century, there are conflicts relating to ethnicity, religion, race, tribe, caste and culture all over the world that is proving to be serious indicator of dysfunctional state. In the recent presidential election of the United States of America, issues of racial and ethnic discrimination were one of the decisive factors for the winner amid massive civil unrest, violence and destruction of the people's property. In African countries like Burkina Faso, Sudan, Congo, Ethiopia, Mozambique and many others, scores of people have died in the ethnic violence. In China, ethnic paranoia has led to mass incarceration and acculturation of Uyghurs in the government run covert programs. The Nepalese people experienced painful civil war in which ethnic and caste discrimination was a major pretext. In the present context of Nepal, ethnic and caste differences that are being used to create social havoc for mere political gains should be considered threat to internal security of the country.

State Sovereignty, nation-based citizenship, the institutional apparatus in charge of regulating the economy such as central banks and monetary policies—all of these institutions are being destabilized and even transformed as result of globalization and the new technologies (Sassen, 1996, p. 4). The ideology and authority of Nation states are increasingly put under scrutiny by the Inter-Governmental Treaties and the inter-governmental organizations like the United Nations, South Asian Association for Regional Cooperation (SAARC), World Trade Organization (WTO), World Bank, International Monetary Fund, etcetera. The 1994 United Nations Human Development Report, prepared by Mahbub ul Haq, urged that the focus of security had to be changed from state-centric security to human security (Bishnu Raj Upreti, Rajan Bhattarai, Geja

Sharma Wagle, editors, 2013, p. 15). The issue of Human security was subdivided into seven categories; economical, food, health, environmental, personal, community and political security. While an individual can become an agent of threat or a hero to mitigate them, the security of individual citizens around the globe is considered fundamental for international security because citizens of different countries must coordinate and cooperate together for development in the contemporary world. The geostrategic context of Nepal poses significant pressure to maintain attributes of sovereignty through ever-changing dynamics of greater political and economic integration amongst nations. The debate has already begun that whether or not, the small nations like Countries of European union will assimilate into regional super states or global government (Castles, 2000, pp. 1-18). The status of individual 'civilization' is being challenged by the notion of 'globalization' which literally means dominance of popular languages, common economic principles and imposition of will of the strong nations (Onkal, 2013, p. 28). Globalization is more than exchange of goods and services among different countries. The rapid developments of transportation and telecommunications technologies have made it easier for people all over the globe to exchange knowledge, culture and languages. Before the advent of worldwide tele-communication technologies, citizens depended upon the state of resources and infrastructure available in their own country for quality of living and business. Now people are able to easily learn multiple foreign languages & cultures and they are keen on living the life of advanced civilizations. Educated and financially able Nepalese citizens are migrating to developed countries as the sense of belonging to one nation is no longer important and needed for

better quality of life, diverse opportunities of employment and for affiliation with advanced technology, healthcare and education. Advent of highly efficient media and communications technology has allowed the immigrant diaspora to remain ethnically connected to home country. In the context of Nepalese diaspora living in different countries of the world, the non-resident Nepalese (NRN) as they are called, have accumulated vast amount of skill, knowledge and wealth all over the globe. The Non-Resident Nepali Act-2008 defines 'Non-Resident Nepali' as a foreign citizen of Nepalese origin who himself/herself or whose father, mother, grandfather or grandmother was a citizen of Nepal at a time and has subsequently acquired the citizenship of any other foreign country other than a member country of SAARC. The NRN act also permits them to invest and do business in Nepal. Many of the NRNs have warm feelings towards Nepal and they have expressed sincere will to invest knowledge and capital for the development of Nepal and for that, government of Nepal has provided non-resident citizenship through article 14 of the present constitution, so that they can have easy access to native motherland. The provision of dual citizenship with economic and social freedom excluding political rights could help Nepalese economy to be less dependent on foreign aid programs as Nepal seeks to gain status of developing country lifting up from least developed country.

In today's world, the living style of belonging to a part of the only one country is changing rapidly. The population of Nepal is fairly incomparable to massive billion populations of India and China. In a densely populated society, there is extremely fierce competition for moving up in the hierarchy of different social classes. People have to come out on top of million others to grasp better opportunities

in education, scholarships, civil service jobs, political influence and career, business and entrepreneurship and better quality of life. The people who find better opportunities for higher standard of living in Nepal are businessmen, industrialists, tradesmen, skilled and semiskilled labor, mostly from the neighboring countries. As Nepal tries to facilitate the people who come here to settle for livelihood; like the philosophy of 'Universal Hospitality' propounded by German Philosopher Immanuel Kant, the theory of cosmopolitanism is itself debated amongst political scientists about its effect on individual civilizations (Onkal, 2013, p. 31). Since the cultural and linguistic history of Nepalese people is connected with the Indians, 99 percentages of immigrants in Nepal are originally from India and also never accounted. After decades of migration and permanent settlement, millions of non-native people have been naturalized, acculturation and social assimilation is progressing. Despite having special reservations in all forms of government institutions, the immigrant majority is not satisfied with the citizenship clauses provided in the constitution of Nepal 2015. For example, in the Pacific Nation of Islands-Fiji, Immigration related turmoil put the country to unrest, violence and instability for about two decades. Fiji was a colonized nation of Britain from 1874 until the independence in 1970. In the census of 2017, the population of Fiji was 884,887 which is made up of 54.3% Native Fijians or Melanesians and 38.1% are the Indo-Fijians who are the descendants of Indian people, brought as laborers to the islands by the British in the 19th and 20th century (Sawe, 2019). However, after the end of Second World War, Indo-Fijians had outnumbered the indigenous Fijians up until 1980, because of which there was intense concern about security of land and identity among native Fijians. Fueled by

the fear of political insecurity, three coups between 1987 and 2000 left the country economically strained and ethnically divided in the 21st century too. During the political uprising and violent power seizure, even the elected prime-minister of Indo-Fijian descent was manhandled and hurt badly in 2000, large scale destruction of private property of Indo-Fijians occurred, meanwhile large portion of the country's brightest and talented people migrated out of the country (Lal, 2003). The decisive factor in political existence is not the common bond of humanity but the will of the strong and their ability to impose it (Onkal, 2013, p. 28). If Nepal is to sustain as a sovereign political member in the international community, citizenship and immigration laws may play a pivotal role in absorbing the eroding pressures of globalization.

Furthermore, experts of the Security Studies believe that national security strategies should not only focus on the military sector, but should also include societal, environmental, economic and political security (Tallmeister, 2013, p.). Since immigration is a subjective sense of threat rather than a real danger, has Nepal considered illegal immigration as a threat to security by focusing on societal, economic, internal and public security? It is difficult to judge the attitude of public towards the immigration. Nepal's terai region is more prone to criminal activities because of the porous border and cultural ties between India and Nepal. Illegal Immigration is one the most pressing issues against national security of western countries but the scenario of Nepal is completely unique, different from any demographic politics of the world. Due to unchecked open border, any person from Indo-Aryan or Mongol descent can enter Nepal and settle easily because of cultural similarities. The objective scenario of immigration in

Nepal as one of the least developed country in the world is not due to humanitarian crisis elsewhere. At the time of first constituent assembly election, the provision of liberal citizenship drive run by Nepal Government under Madhesi leader's pressure according to which any one could get citizenship with three citizen's recommendations was easily taken under advantage by the notorious organized criminals who fled from Bihar after stern crackdown by the Indian government (Pyakurel, 2013, p.). The criminal activities of theft, murder, kidnapping, drug smuggling, extortion, rape and violence on women are significantly rampant in the terai region of Nepal where immigrant population is also high. The procedures of acquiring visa for people from overseas and rules of border passing are the fundamental frontiers of immigration system. Indo-Nepal border is one of the most illegally trafficked borders in the world (Upreti et al., 2013, p. 180). While Nepalese people are weary of porous national border in the south, frequently Indian media have expressed concern over the weak immigration procedures of Nepal that could be exploited by extremists or terrorists to make Nepalese territory as a safe haven for plotting against India. The concerned authorities seem to have passive attitude towards the relationship between immigration and human security of the citizens. The illegal immigration fuels criminal activities like arms smuggling, drugs trafficking, animal parts and artifacts smuggling, organized crime, kidnapping etc. and there may be a threshold of immigration at which reactionary elements of the social and political grievances may give rise to right-wing terrorism (McAlexander, 2020, p. 183). During violent uprising of Madhesi people in 2007, hundreds of families were forcefully displaced from terai because their ethnicity belonged to hill people. During the

revolt against new constitution of Nepal in 2015, India took the matter into its own hands by blocking the border posts and forced trade embargo on Nepal which clearly displayed that networks of transnational diaspora can be used as a political resource. If such situation arises, how national security can be maintained when the foreign hegemony gets chance to exacerbate the internal conflicts in Nepal? In recent years, Government of Nepal has made significant effort in protecting the territory of the country and this virtue is also displayed by the foreign policy of Nepal issued in 2077 B.S. Nevertheless, Nepal is clearly not in full control of immigration; the policies regarding to which are considered one of the fundamental indicators of national sovereignty and unauthorized immigration is directly related to issues of human security.

Conclusion and Recommendations

The constitution of Nepal 2015 does not differentiate people on the basis of caste, race, religion, tribe, linguistic and cultural backgrounds. The new constitution has made paradigm shift from previous versions by providing rights for women to confer citizenship to their children. But still the implementation part of article 5 needs supportive federal laws to equalize with the patriarchal notion of ownership of Nepalese citizenship. In the 21st century, the notion of patriarchal authority of nationality should be transferred, shared and entrusted with feminist movement to promote equal authority and responsibility towards nationalism and national security. But the proposed bill submitted to lower house in 2077 regarding granting of naturalized citizenship to a foreign woman married to a Nepali citizen (article 11.6), only after some years of acculturation is in favor of national security because the same persons may reach policy making bodies by utilizing the political freedom

associated with the naturalized citizenship while their loyalty towards national interests is doubtful. In addition to this, assertive intention of the government that displays reluctance towards the cross-border ties of majority of citizens should be welcomed. Nepal should primarily focus on women empowerment by strict education policy to promote competitiveness in patriarchal ownership of national security. Undoubtedly, Nepal should continue to promote equality among all citizens as ensured by the rights associated with citizenship. In addition to the special provisions for the citizens belonging to minority groups, the legal assurance of first priority in reservations for the children born to inter-ethnic matrimony as mentioned in the citizenship could enforce faster acculturation and assimilation, which may seem too pragmatic but it may play a crucial role in swiftly building national unity and integrity. The vacuum created by lack of national security policy, weak diplomacy and lack of self-determination has pulled immigrants towards Nepal. However, the idea of economic citizenship could help bring international capital and knowledge investment in the country. The government of Nepal should be sensible towards maintaining the value of Nepalese nationality by honoring the issues of human security of the citizens. Admittedly, the count of cases of citizenships granted illegally or citizenship frauds should be recorded to produce frameworks for investigating the loopholes in the law and order. There is dire need for rules of fixed predetermined points for transportation and continuous personal identification recording of people at border crossings by using proper technology, so that unnecessary traffic of people with ill intentions can be discouraged.

Lastly, in order to up bring the strong, witty and fierce soldiers, Nepal must strive to ensure both qualitative and quantitative

environment for better exploitation of liberty to access higher education, innovation and entrepreneurship by safe-guarding the Nepalese citizens against criminal and derogatory foreign influences.

References

- Adamson, F. B. (2006). Crossing Borders: International Migration and National Security. *International Security*, 165-199.
- Ann E. Cudd, W.-C. L. (2016). *Citizenship and Immigration-Borders, Migration and Political Membership in a Global Age*. Boston: Springer International Publishing, Switzerland.
- Baral, B. (2017). Security Challenges of Small States. *Journal of Political Sciences*, 1-15.
- Bishnu Raj Upreti, P. (2019, December). Security for Enhancing Peace and Security in the Changing Context of Nepal. *Journal of APF Command and Staff College*, pp. 1-13.
- Bishnu Raj Upreti, Rajan Bhattarai, Geja Sharma Wagle, editors. (2013). *Human Security in Nepal: Concepts, Issues and Challenges*. Kathmandu: Nepal Institute for Policy Studies (NIPS) and South Asia Regional Coordination Office of NCCR.
- Department of Immigration. (2008). *The Immigration Manual*. Kathmandu: Ministry of Foreign Affairs.
- Government of Nepal. (2008). *Non-Resident Nepali Act 2064*. Kathmandu.
- Hom Nath Gartaula, A. N. (2013, June 04). Migration to and from the Nepal terai: Shifting movements and motives. *The South Asianist*, pp. 29-49.
- International Monetary Fund. (2020, April 7). *World Economic Outlook: The Great Lockdown*. *World Economic Outlook (WEO)*, pp. 77-110.
- Lal, B. V. (2003). *Fiji Islands: From Immigration to Emigration*. <https://www.migrationpolicy.org/article/fiji-islands-immigration-emigration/>.
- McAlexander, R. J. (2020, May). How are Immigration and Terrorism Related? An analysis of Right- and Left-Wing Terrorism in Western Europe, 1980-2004. *Journal of Global Security Studies*, pp. 179-193.
- Onkal, G. (2013). Kant's Concept of "Universal Hospitality" and Neo-Global Conflicys Against Perpetual Peace. *The International Journal of Social Sciences*, 26-31.
- Pararasthra Niti. (2077). *Ministry of Foreign Affairs*. kathmandu: Government of Nepal.
- Pyakurel, S. (2013). Violence and Organized Crime in the Terai region and Kathmandu. *Expert Round-Table on Violence and Organized crime in the Terai region and Kathmandu valley*. Kathmandu: Institute of Development Studies.
- Rajan Bhattarai, R. C. (2009). *Changing Security Dynamics in Nepal: A collection of Essays*. Kathmandu: Nepal Institute for Policy Studies (NIPS).
- Sassen, S. (1996). *Losing Control? Sovereignty in an Age of Globalization*. New York: Columbia University Press.
- Sawe, B. E. (2019). *What is the Ethic Composition of The Population of Fiji?* <https://www.worldatlas.com/articles/what-is-the-ethnic-composition-of-the-population-of-fiji.htm>.
- Secretariat of Constituent Assembly. (2015). *Constitution of Nepal*. Singha Durbar: Government of Nepal.
- Shrestha, S. (2017). *Report on Citizenship Law: Nepal*. Badia Fiesolana: European University Institute.
- Stephen Castles, A. D. (2000). *Citizenship and Migration: Globalization and The Politics of Belonging*. New York: ROUTLEDGE.
- Tallmeister, J. (2013). *Is Immigration a Threat to Security?* <https://www.e-ir.info/2013/08/24/is-immigration-a-threat-to-security/>.
- UNHCR. (2019, March 8). Background Note of Gender Equality, Nationality Laws and Statelessness. *UNHCR*, p. 6.
- Upadhyaya, R. (2075). Problem of Statelessness in Nepal. *NUTA Journal*, 64-69.