

POLICY BRIEF

Streamlining Citizenship Rulings and NRN Status for the Gurkha Diaspora

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Executive Summary

This policy brief aims to persuade the Government of Nepal's Ministry of Home Affairs to reduce citizenship barriers and red tape for the Gurkha diaspora, given their long-standing service and value to Nepal. This brief will examine and address the legal insecurities and barriers affecting Nepali Gurkha veterans and their families residing in the United Kingdom (U.K.). This brief focuses on citizenship ambiguities and issues arising from Gurkha migration, naturalization, and changes in residency. Scholarship shows that citizenship rulings and structure affect migrant families intergenerationally, thus affecting the diaspora. Therefore, this brief recommends one primary set of institutional reforms and a secondary reform measure to help reduce barriers to citizenship rights for the Gurkha diaspora in the U.K. These reforms, if implemented, could also be extended beyond the U.K. to benefit the broader Nepali diaspora.

This brief's primary recommendation is to reduce barriers to Citizenship by Descent continuity for Gurkhas through the Nepal Citizenship Act of 2063 (2006). By reducing several common barriers, many of the current restrictions facing Gurkha families can be resolved. These changes will be implemented by the Ministry of Home Affairs with verification efforts and paperwork provided by the Ministry of Defence (MOD) and the Ministry of Foreign Affairs (MoFA). The small changes this brief recommends will shift policy in subtle ways that should have larger impacts for the Nepali Gurkha community.

This brief's secondary policy suggestion is to remove NRN status loss due to naturalization for Gurkhas and their families. However, this must be done while noting that NRN is not used as a replacement for citizenship. NRN status should not be used as a secondary form of citizenship by descent continuity, nor should it be used as a dual citizenship loophole to the constitution. Rather, NRN status can serve as a tool to connect Gurkha families abroad back to Nepal, further leveraging them as a part of Nepal's greater diaspora. Thus, this brief recommends the reduction of barriers to maintaining NRN status while also creating an information campaign to separate NRN status from citizenship.

The foreseen result of these policy changes is reduced insecurity for Gurkha families, more consistency of citizenship and policy decisions, and improved diaspora stability and connectivity across multiple generations.

1. Background and Definitions

1.1 Gurkhas and their Families

Gurkhas are Nepali individuals who are recruited to serve in foreign armed forces and police companies based on historical arrangements. This brief treats Gurkha soldiers and their families as a form of military migration. Such migration can shape generational outcomes based on individual citizenship outcomes. There are roughly 16,000 Gurkha veterans living in the U.K.

1.2 Diaspora¹

Nepali citizens and persons of Nepali origin residing abroad. This category also includes those Nepalis and Gurkhas who now hold U.K. residence, long-term stay rulings or U.K. citizenship.

¹ Gellner, David N., and Sondra L. Hausner, eds. 2018. *Global Nepalis: Religion, Culture, and Community in a New and Old Diaspora*. First edition. Oxford University Press.

1.3 NRN²

NRN stands for non-resident Nepali. It is an official legal status governed by the Non-Resident Nepali Act, 2064, which states that "Non-resident Nepali" means a foreign citizen of Nepalese origin, and this term also includes a Nepalese citizen residing abroad." Nepalis who hold NRN status can include both foreign citizens of Nepali origin and Nepali citizens living abroad. The NRN status is not full dual citizenship, but it does allow Nepalese with foreign citizenship to enter Nepal with a free on-arrival visa as well as lowers other barriers of access to Nepal and involvement in Nepali business.

2. Problem statement

The primary issues faced by Gurkhas and their families that this brief aims to solve are:

2.1 Citizenship Discontinuity Risks for Descendants

Gurkhas abroad may face pressure to change their citizenship to gain legal rights and protection in the U.K. Those who do so are often cut off from Nepal, losing their Nepali citizenship and facing high barriers when returning to Nepal or when engaging with Nepal. For those Gurkhas who choose to remain Nepali citizens, there are also barriers in accessing citizenship by descent rights for their children. Thus, whether Gurkhas remain Nepali or naturalize as U.K. citizens, they face legal barriers to accessing their rights and citizenship status. These barriers create legal uncertainty even for families who want to return to Nepal.

2.2 Administrative Friction and Inconsistency

For those Gurkha families who are eligible for citizenship by descent under the Citizenship Act of 2063, barriers restrict their rights. Complex eligibility requirements and burdens of verification can result in uneven outcomes across cases, affecting their stability, lives in the U.K. and also their ability to return to Nepal. Some of the barriers that affect eligible Gurkhas and descendants are variable evidence, inconsistent verification processes, decision delays and required reapplications.

2.3 Citizenship Status as a Determinant of Family Stability³

Citizenship can affect diaspora life for both individuals and diaspora communities across generations, making these barriers a continuing issue for the Nepali diaspora. Citizenship and residence status influence continuity of schooling, work opportunities, and family reunification, all core conditions for integrational stability. These instabilities also weaken or cut off ties to Nepal, reducing connectivity with the Nepali diaspora.

3. Proposed Policy Recommendations

To alleviate the current instability faced by the Gurkhas and their families, this brief proposes a primary set of narrow administrative changes to streamline citizenship by descent continuity and paperwork processing. Secondly, this brief also recommends reforms to NRN processing and clarification around NRN status as not a replacement for citizenship.

3.1 Primary Policy Recommendation: Citizenship by Descent and Streamlining of Documentation

² Non-Resident Nepali Act, 2064 (2064). https://nrnusa.org/media/documents/NRN_Act_2064-Published_by_Gov_of_Nepal_-_English.pdf.

³ Aryal, Sanjaya, and Ayse Guveli. 2024. "Flying Families between the UK and Nepal: Compromised Intergenerational Care amidst a Restrictive Migration Policy Context." *Journal of Family Studies* 30 (2): 254–82. <https://doi.org/10.1080/13229400.2023.2218842>.

This brief suggests four small changes to the Nepal Citizenship Rules 2063 which, if implemented, should streamline the acquisition of citizenship by descent through the Nepal Citizenship Act of 2063.

3.1.1 Allowing Certified Copies of Documents

Currently, for Gurkhas and their descendants living abroad to obtain citizenship through section 3 of the Nepal Citizenship Act of 2063, as overseen by the Nepal Citizenship Rules, 2063 (2006). Under these rules, they must present and submit originals of their documents to the relevant authorities. “The certificate of citizenship of Nepal of his or her father or mother or relative within three generations of his or her lineage,” however, in later articles of the Act “a copy” is permitted.⁴ The requirement for the submission of original documents is prohibitively difficult for those eligible applicants, restricting their ability to obtain their citizenship. Therefore, this brief proposes that certified copies of relevant documents be permitted for processing. The original document must be presented in person to the relevant authorities but will then be scanned, and a certified copy will be created on the day of application, returning the original copy to the applicant on the same day of submission. This is expected to lower barriers to accessing citizenship rights.

3.1.2 Digitization of Documents through Nagarik App

Enable documents to be uploaded in a digitized format through the Nagarik App. A standardized upload requirement should be created allowing for fully digital processing. This will not fully replace in person appointment but should reduce processing delays caused by physical document requirements and manual data entry. Through the app, the MoHA can review paperwork and more efficiently handle citizenship applications. Furthermore, the connectivity of the platform can allow for faster upload of any further required documents.

3.1.3 Allow for Amendments Rather than Reapplication

When applications and evidence contain errors, the MoHA should notify the applicant and provide a 30-day window for correction rather than full reapplication. Currently, mistakes caused by spelling differences, changes of address or naturalization can cause applications to be fully rejected; there is no official requirement for this policy however it does still happen. By notifying applicants and allowing them to correct errors within a 30-day window, delays may be reduced and create a clearer structure for how officials should treat such errors. Furthermore, this change should reduce the paperwork burden on the MoHA, as rather than having to restart applications from scratch within their records, they can update existing applications. To streamline this process, each applicant will need to be assigned a case number and direct form of contact for the applicant.

3.1.4 Allow Service Records as a Further Form of Verification

Gurkha service records should be allowed to serve as a further form of verification, acting as supplementary proof for descendants' eligibility. Military records should be used when further inquiry is needed as per sub clause 2 and 4 of article 3 of the Nepal Citizenship Rules, 2063.⁵ This change will require the MoD to connect and share documents and records with the MoHA to verify the accuracy of documentation. This change is intended to reduce the burden on

⁴ Nepal Citizenship Rules, 2063 (2006) (2063).

https://daobanke.moha.gov.np/upload/423b75b4fd65c86138bbeb700c27f502/files/nepal_citizenship_rules_2063_2006.pdf.

⁵ Nepal Citizenship Rules, 2063 (2006) (2063).

https://daobanke.moha.gov.np/upload/423b75b4fd65c86138bbeb700c27f502/files/nepal_citizenship_rules_2063_2006.pdf.

Gurkhas to prove their eligibility and documentation, by allowing more forms of documentation to prove their status.

3.2 Secondary Policy Recommendation: NRN Status Clarifications

This brief suggests a second set of reforms aimed at adjusting the NRN status. Many Gurkhas are pressured to naturalize as U.K. citizens for benefits with the U.K. despite strong links to Nepal. As such, NRN can be used as a way to allow these Gurkhas to stay connected to Nepal; however, this brief makes clear that this is not a dual citizenship loophole.

3.2.1 Continuity of NRN Status even through Citizenship Changes⁶

This brief recommends an amendment to the Non-Resident Nepali Act, 2064 allowing those with NRN status to maintain their NRN status even if they naturalize as a foreign citizen and give up Nepali citizenship. Gurkhas can already reapply for NRN status even if they give up Nepali citizenship; therefore, removing their NRN status when they naturalize only serves to pressure them into reapplying and burdens them with unnecessary paperwork. As such, to reduce this barrier of reapplication paperwork, this brief proposes that they maintain NRN status even when citizenship changes. After they naturalize, the expiration date of their NRN status should remain the same as before their citizenship change, and all other existing NRN rulings will take effect after the natural expiration of their NRN status. This change focuses on removing or altering Article 17 of the Non-resident Nepali Act, 2064.⁷ This should reduce regulatory burdens on Nepali diaspora while also keeping them connected to Nepal within the legal framework.

3.2.2 Campaign to clarify NRN use and eligibility

The NRN status question has become muddled in recent years; as such, this brief's final suggestion is for future NRN applications to come with an information statement to clarify the rules for applicants. NRN should be clearly distinguished as not citizenship, and not as a dual citizenship pathway. This information sheet should remind applicants that NRN is merely a legal status that allows investment and connectivity with Nepal without bestowing citizenship rights. This information, to be most usable, will need to be printed in both Nepali and English.

4. Expected Impact and Justifications

The suggestions in section 3 are intended to reduce regulatory burdens, streamline citizenship processing and strengthen diaspora ties to Nepal. Furthermore, they should reduce family instability and remove legal ambiguity.

4.1 Effects of Policy Suggestions from Section 3.1

These four small changes are expected to reduce paperwork burdens for eligible Nepalis. Furthermore, this reduction in burdens should improve intergenerational diaspora stability and diaspora connection to Nepal. By reducing many of the paperwork and red tape barriers, the Gurkhas in the U.K. will have access to their legal rights and citizenship.

4.2 Effects of Policy Suggestion from Section 3.2

These changes should reduce the burdens of reapplication for NRN status and clear up confusion around NRN status for applicants. By implementing these changes, the MoHA should not only reduce the paperwork burden on eligible diaspora members but also reduce the paperwork burden on themselves and their ministers.

⁶ Non-Resident Nepali Act, 2064 (2064). https://nrrnusa.org/media/documents/NRN_Act_2064-Published_by_Gov_of_Nepal_-_English.pdf.

⁷ Non-Resident Nepali Act, 2064 (2064). https://nrrnusa.org/media/documents/NRN_Act_2064-Published_by_Gov_of_Nepal_-_English.pdf.

5. Execution of Policy Suggestions

In order to execute the policy suggestions made in section 3, this brief provides clear administrative pathways. Beginning with the suggestions in section 3.1, which will require smaller ministry-level changes, and then explaining suggestions in section 3.2, which require broader legal changes.

5.1 Execution of Policy Suggestions in Section 3.1

The execution of these policy suggestions will be done by the Ministry of Home Affairs, as they are officially in charge of executing the Nepal Citizenship Act of 2063, as officially laid out in the Nepal Citizenship Rules 2063. The Ministry of Home Affairs may need to work alongside the Ministry of Foreign Affairs as these issues pertain to international relations and sometimes foreign citizens for those Gurkhas who naturalized in the U.K.

5.1.1 Leadership

To oversee these changes, a subcommittee will need to be created within MoHA. This committee will be the Special Committee for Citizenship Documentation Streamlining (SCCDS). SCCDS will oversee and run all other necessary changes and coordinate the rollout of the changes suggested in section 3.1.

5.1.2 Documentation and Awareness

SCCDS will need to begin by creating an official system for producing certified document copies. All certified copies will need to be within the specification that SCCDS and the MoHA agree to. All scans must be done of original documents and be stamped by a ministry official at the time of the scan's creation to prove authenticity. The Nepal Citizenship Rules, 2063 already allow copies of documents in other sections; therefore, to maintain consistency, the current process for copies of documents should be implemented for the citizenship by descent rules in Article 3 of the rules.⁸

5.1.3 Digitization

Through the Nagarik App, many of these applications can be digitised. Firstly, documents will need to have a standardised upload format. Next, the Nagarik App should automatically assign each application a specific case number for better implementation of suggestion 3.1.3. This online application will also need to be accessible through the app on both ends such that applicants can check the status of their application. Applicants will receive notification through the app if an error were to occur with their application. They will then be given a 30-day window to digitally correct the error if it is small or to go in person again to correct the error as per suggestion 3.1.3. Lastly, the MoD will need to have their records digitised and connected to the Nagarik app to allow for these documents to be used in future applications as per suggestion 3.1.4.

5.1.4 Retraining

Lastly, SCCDS will need to organize a brief retraining campaign for all MoHA staff who handle these types of citizenship issues. This retraining will teach staff the new requirements for scanning and creating certified copies of documents, the digitization of those scans into the Nagarik App, the processing of changes when small errors occur and finally the management and communication with MoD for service records. The rollout of this training should be given 3-6 months for ministry change. After this period, the suggestion in section 3.1

⁸ Nepal Citizenship Rules, 2063 (2006) (2063).

https://daobanke.moha.gov.np/upload/423b75b4fd65c86138bbeb700c27f502/files/nepal_citizenship_rules_2063_2006.pdf.

can be implemented. Their implementation should be changed and reviewed by SCCDS 3 months from initial implementation. If issues arise, further amendments can be made to these changes. If the implementation is going smoothly, a second review should be conducted 9 months after the rollout.

5.2 Execution of Policy Suggestions in Section 3.2

Policy suggestion 3.3.2 will require MoHA to create an information form in Nepali and English and attach it to NRN application forms. This will require only minimal review and processing time; likely, this can be done digitally if policy suggestion 3.1.2 is implemented thoroughly.

The execution of policy suggestion 3.2.1 will require an amendment to the Non-resident Nepali Act, 2064. As such, MoHA will need to propose these amendments for review and a vote by the Nepali parliament. The amendment shall specify the removal and cancellation of Article 17 of the Non-resident Nepali Act, 2064. The implementation of this suggestion 3.2.1 will be a much longer process with a much higher bar for implementation than those primary suggestions in section 3.1. As such, this amendment should be considered a secondary priority. The focus of this brief should not be diluted; the policy suggestions in section 3.1 are more easily implemented and should have a more immediate effect. However, if the Nepali government wants to maintain a strong connection with their Nepali diaspora, the removal of Article 17 from the Non-Resident Nepali Act, 2064 should be a long-term goal of MoHA.

Conclusion

Gurkha soldiers and their families have given long years of service and contributed greatly to Nepal and their international standing. However, they are left exposed to citizenship insecurities after their service, caused by high administrative barriers and discontinuity for their descendants. The alterations to existing legal frameworks proposed in this brief will help reduce the barriers Gurkhas face. Under the leadership of the Ministry of Home Affairs, legal uncertainties can be reduced, intergenerational stability can be created, and a fairer, more structured system can provide equal rights to Gurkha veterans and their families abroad. The changes suggested in this brief will not fully solve these issues, and continued work is needed to maintain and support the Gurkha diaspora; however, these changes can serve as a starting point for improvement.

Were these policies to be implemented and found effective, similar changes could be created for Gurkhas living in Hong Kong and India. Furthermore, this could serve as a continued pathway for building up support for the broader Nepali diaspora, beyond the Gurkhas.

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