



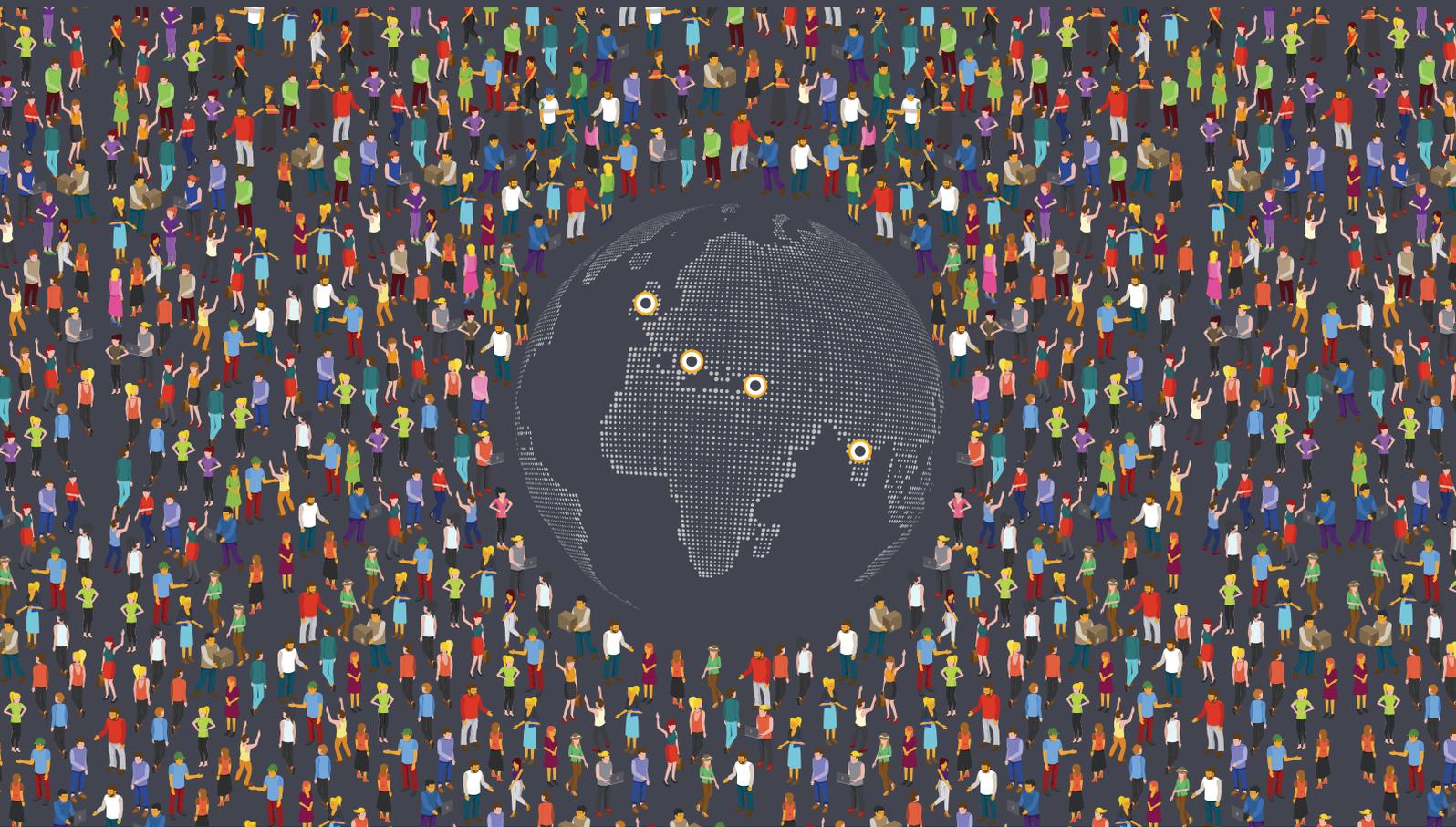
ევროკავშირი  
საქართველოსთვის  
The European Union for Georgia



# Diaspora Legislation and Engagement Policies in Lebanon, India, Ireland and Italy

A case study report exploring best practices  
and challenges in diaspora engagement

November 2021





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November 2021

**International Centre for Migration Policy Development (ICMPD)**

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Vienna, Austria

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The case study is based on the desk research and initial review of the legislation, regulations and policies surrounding diaspora engagement in four countries: Lebanon, India, Ireland and Italy.

The authors were Nora Jasmin Ragab and Eleni Diker, research experts from the Maastricht University Graduate School of Governance.

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# Abbreviations & Acronyms

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<b>AIRE</b>	Register of Italians Abroad
<b>CES</b>	Economic and Social Council of Lebanon
<b>CGIE</b>	General Council of Italians Abroad
<b>CII</b>	Confederation of Indian Industry
<b>COM</b>	COM
<b>COVID-19</b>	Coronavirus Disease 2019
<b>CSO</b>	Central Statistics Office
<b>DFA</b>	Department of Foreign Affairs and Trade
<b>DGIEPM</b>	Directorate General for Italian Citizens Abroad and Migration Policies
<b>DPCA</b>	Directorate of Political and Consular Affairs
<b>ECR</b>	Emigration Check Required
<b>ESAC</b>	Emigrant Services Advisory Committee
<b>ESCWA</b>	Economic and Social Commission for Western Asia
<b>ESP</b>	Emigrant Support Programme
<b>EU</b>	European Union
<b>FDI</b>	Foreign Direct Investment
<b>GDE</b>	General Directorate of Emigrants
<b>GICF</b>	Global Irish Civic Forum
<b>GIEF</b>	Global Irish Economic Forum
<b>GIN</b>	Global Irish Network
<b>GTZ</b>	Gesellschaft für Technische Zusammenarbeit
<b>IAU</b>	Irish Abroad Unit
<b>ICMPD</b>	International Centre for Migration Policy Development.
<b>ICOE</b>	Indian Council of Overseas Employment
<b>ICT</b>	Information Communication Technology
<b>IDA</b>	Industrial Development Agency
<b>IDAL</b>	Investment Development Authority of Lebanon
<b>IFC</b>	Indian Facilitation Centre
<b>IMIS</b>	Institute for Migration Research and Intercultural Studies

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<b>IMISCOE</b>	International Migration, Integration and Social Cohesion in Europe
<b>INK</b>	The Global Indian Network of Knowledge
<b>IOM</b>	International Organization for Migration
<b>IT</b>	Information Technologies
<b>IZA</b>	Institute for the Study of Labor
<b>LDE</b>	Lebanese Diaspora Energy
<b>MEA</b>	Ministry of External Affairs
<b>MERIT</b>	Maastricht Economic and Social Research Institute on Innovation and Technology
<b>MOIA</b>	Ministry of Overseas Indian Affairs
<b>MPC</b>	Migration Policy Centre
<b>MPI</b>	Migration Policy Institute
<b>NGO</b>	Non-governmental organization
<b>NORKA</b>	Non-Resident Keralites Affairs
<b>NRI</b>	Non-Resident Indian
<b>NRK</b>	Non Resident Keralites
<b>OCI</b>	Overseas Citizenship of India
<b>OIA</b>	Division of Overseas Indian Affairs
<b>OIC</b>	Overseas Indian Centres Abroad
<b>OIFC</b>	Overseas Indian Facilitation Centre
<b>PGE</b>	Protector General of Emigrants
<b>PIO</b>	Persons of Indian Origin
<b>RSCAS</b>	Robert Schuman Centre for Advanced Studies
<b>TISPRO</b>	Transfer or Issue of Security by a Person Resident Outside India
<b>TLE</b>	Targeting Lebanese Expatriates
<b>TOKTEN</b>	Transfer of Knowledge Through Expatriate Nationals
<b>UAE</b>	United Arab Emirates
<b>UK</b>	United Kingdom
<b>UN</b>	United Nations
<b>UN DESA</b>	United Nations Department of Economic and Social Affairs.
<b>UNDP</b>	United Nations Development Programme
<b>UNU</b>	United Nations University
<b>US</b>	United States
<b>USA</b>	United States of America
<b>USAID</b>	United States Agency for International Development
<b>USD</b>	United States Dollar
<b>WLCU</b>	World Lebanese Cultural Union



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# Background

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The EU-funded Sustaining Migration Management in Georgia project (ENIGMMA 2) is based on the outcomes of the EU-Georgia Financing Agreement of the programme funded under the ENI 2016 Technical Cooperation Facility II, signed in Georgia in May 2017. The project also builds on the results of the previous ICMPD projects in Georgia that have supported the Government of Georgia in the implementation of migration-related areas as part of the Visa dialogue with the European Union. The ENIGMMA 2 project ran from September 2017 to December 2021. The overall objective of the project is to contribute to the sustainable enhancement of mobility and people-to-people contacts between the EU and Georgia. The proposed action will seek to achieve the overall objective by addressing identified and possible migration-related risks of visa liberalisation in Georgia and the EU Member States, and will support the Government of Georgia in implementing, monitoring and evaluating the impact of the new migration strategy and undertaking joint measures with the EU.

In accordance with Component 8 of the ENIGMMA 2 project, the specific activities were designed to address identification of state policy on diaspora in Georgia as part of the new migration strategy. More specifically, the project entails providing an analysis of the legal framework and practice of the **Law of Georgia on Compatriots Residing Abroad and Diaspora Organisations** and reflecting on best international practices. Therefore, four countries - Lebanon, India, Ireland and Italy - were selected on the basis of the following criteria: longstanding successful diaspora engagement policies and practices; consideration of the nature of diasporas (historic and contemporary); proximity to the Georgian context; population size and number of Georgian migrants.

Although intended to support the fine-tuning of Georgia's diaspora policy documents and legislative framework, this report includes examples of the different forms of engagement and means by which diaspora members can engage with their countries of origin, that interested parties can look to replicate.

# 1. Introduction

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Over the last few decades, a number of countries have significantly increased their efforts in developing various policies to engage their migrant and diaspora communities abroad. Since the 1980s, diaspora engagement policies have become an increasingly prominent component of migration policies. Many nations have put in place a legislative framework for diaspora engagement and involvement, established diverse institutions and programmes to provide support to their migrant communities abroad and continued to maintain strong ties with them. The diversity of government-initiated approaches as well as specific tools and methodology that are used to (re-)connect with migrants abroad, are illustrative of the many unique ways that governments show interest in their diaspora. In most cases, diaspora policies are not necessarily singular or discrete, but instead interconnect with other state policies, operate across different government levels and are launched at different times for different purposes.<sup>1</sup> Diaspora policies may have a legislative basis, including at the constitutional level, or may be operationalised through policy and strategic documents without specific provisions in law. While legislative provisions vary significantly between nations, there are particular similarities in the laws and regulations related to diaspora that stand out such as: **flexible citizenship laws, extension of political rights, providing special property rights, tax incentives and access to portable benefits** and the **introduction of general laws that recognise the diaspora**.<sup>2</sup> Although there are many academic and policy-oriented studies that explore diaspora policies, institutions and programmes, far too little attention has been paid specifically to the legal instruments used by states to engage with their citizens abroad.<sup>3</sup>

The aim of this report is to provide an overview of government-led strategies and their approaches towards their diaspora through diverse institutional, legislative and policy provisions. Furthermore, the report includes good practices and lessons learnt from the country case studies selected in order to provide examples of constructive legal frameworks that allow for effective diaspora participation and engagement.

Four countries were selected as case studies: **Lebanon, India, Ireland and Italy**. These countries were specifically proposed and agreed with the Diaspora Relations Department of the Ministry of Foreign Affairs of Georgia and ICMPD team and were selected on the basis of several reasons and criteria. Lebanon was chosen for this study on the basis of its relatively small population and large diaspora made up of both historical and contemporary migration waves. In contrast, India is the world's second

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1 Gamlen (2006). Diaspora Engagement Policies: What are they, and what kinds of states use them?

2 Agunias, D. R. & Newland, K. (2012). Developing a Road Map for Engaging Diasporas in Development. A Handbook for Policymakers and Practitioners in Home and Host Countries. International Organisation for Migration.

3 Lema Bouza, O. A. (2020). Wanderers among the nations : a comparative and international law analysis of diaspora law in four European countries.

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most populous and top emigrant-sending country with one of the most comprehensive state-level diaspora engagement policies that often relate to specific membership categories in its diaspora.<sup>4 5</sup> Ireland provides an interesting case study given the estimated 70 million ethnic Irish people living in the diaspora, against a territorial population of seven million and a widely circulated and constitutionally-recognised discourse of a global Irish nation that extends beyond its borders. Italy is the fourth country that was selected as a case study as it is one of the major countries of residence of Georgian migrants. Moreover, its unique transnational network of welfare advice centres is an example of good practice that can yield important lessons to learn from. In addition to an assessment of viable legislative options for engaging with diaspora populations, these case studies are also used to exemplify different forms of engagement and different prospective means by which diaspora members can engage with their (ancestral) homeland.

The following chapters provide insights from the case studies on each of the countries. Each case study (Chapters 2-5) follows a similar structure, including a brief history of emigration patterns, an overview of institutional and legislative frameworks relating to migrants and diaspora, and a summary of diaspora engagement policies and practices. The case study on that country concludes with best practices in diaspora engagement and challenges in the implementation of programmes. The final chapter of the study (Chapter Six) summarises the results from each of the case studies and reflects on the different legislative and institutional arrangements based on country-specific learnings. It synthesises them into actionable recommendations that can support the development of a policy and legal framework for effective engagement and participation of the diaspora in the Georgian context.

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4 Vezzoli, S. & Lacroix, T. (2010). Building bonds for migration and development. Diaspora engagement policies of Ghana, India and Serbia. [Research Report] International Migration Institute, Gesellschaft für Technische Zusammenarbeit (GTZ).

5 IOM (2020). World Migration Report 2020.



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## 2. Country Case Study: LEBANON

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### 2.1. Migration patterns and history

#### 2.1.1. Emigration history

Lebanon has one of the longest emigration histories in the Middle East, with records dating back to the second half of the 19th century during the period of Ottoman domination. Conflicts, state fragility, and limited economic prospects are some of the major factors behind the emigration of Lebanese people who have sought security or better opportunities abroad.<sup>6</sup> Generally, the history of emigration from Lebanon can be divided into four major phases:

- **First phase (1860-1940):** Starting in the second half of the nineteenth century, emigration from Lebanon was characterized by people leaving the country in search of economic opportunities and commercial activities abroad. North America, South America, and, to a lesser extent, Europe were among the main destinations for Lebanese emigrants during this period. In addition, the colonial ties resulting from the British and French mandate over Lebanon contributed to increased migratory movements towards West African countries, which were mainly temporary in nature.<sup>7</sup> During the period between World War I and World War II, the level of emigration declined mainly due to economic recession and the introduction of restrictions on immigration by countries such as the United States, Canada, Australia and some South American countries.<sup>8</sup>
- **Second phase (1940s-1974):** This phase saw a continuation of migratory movements towards North and South America, West Africa, Australia, and Western Europe. Additionally, the flourishing economies, employment opportunities, and the significant investments in infrastructure that resulted from the 'oil boom' in the Gulf States encouraged emigration flows towards this region. In general, this period is characterized by the increasing emigration of skilled and highly skilled people.<sup>9 10</sup>

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6 Skulte-Ouaiss, J., & Tabar, P. (2015). Strong in Their Weakness or Weak in Their Strength? The Case of Lebanese Diaspora Engagement with Lebanon. *Immigrants & Minorities*, 33(2), 141–164.

7 De Bel-Air, F. (2017). *Migration Profile: Lebanon* (Issue 2017/12; Policy Brief). Robert Schuman Centre for Advanced Studies (RSCAS), Migration Policy Center (MPC).

8 Brand, L. A. (2006). *Citizens Abroad: Emigration and the State in the Middle East and North Africa*. Cambridge University Press

9 De Bel-Air, F. (2017)

10 Tabar, P. (2015). *Lebanon: A country of emigration and immigration (Institute for Migration Studies)*. Lebanese American University Press

- **Third phase (1975-1989):** The outbreak of the Lebanese civil war in 1975 marked the third phase of emigration, with estimates suggesting that around 990,000 Lebanese left the country (40 percent of the total population) to find refuge abroad. During this period, emigrants came from all social categories, representing different religious groups, age groups and economic classes. The countries previously mentioned continued to be major destinations, especially due to family and community networks facilitating migration flows. In addition, there were increased migratory movements towards Australia and Canada as a result of humanitarian programmes that were mainly targeted towards vulnerable groups of the Lebanese population.<sup>11 12</sup>
- **Fourth phase (1990s-present day):** The post-civil war period has been characterized by the emigration of skilled and highly skilled professionals to Western countries and the Gulf States, which tends to be more permanent in nature. Nowadays, the country's economic fragility, characterized mainly by high unemployment, the high prevalence of the informal sector, and the more recent crisis, are prominent factors encouraging Lebanese to find better opportunities abroad.<sup>13</sup> Political instability, the fragmented state system, clientelism, and widespread corruption also play an essential role in this equation.<sup>14</sup>

### 2.1.2. Size and characteristics of the emigrant population

The UN estimated that in 2019, the total number of Lebanese emigrants stood at 844,158, representing 12 percent of the country's population. Lebanese emigrants are well known for being geographically dispersed across the world. The highest proportion live in North Africa and Western Asia (30%), followed by Europe (27%), North America (26%), Australia (12%) and to a lesser extent Latin America and the Caribbean (4%). Lebanese migration tends to be more male dominated, with men accounting for 59.2 percent of the emigrant population.<sup>15</sup>

**Table 1: Top ten destination countries of Lebanese migrants**

Country of destination	Total Stock	% of total emigrants
Saudi Arabia	150,183	18%
United States	127,280	15%
Australia	99,705	12%
Canada	94,516	11%

11 De Bel-Air, F. (2017).

12 Tabar, P. (2015).

13 De Bel-Air, F. (2017). *Migration Profile: Lebanon* (Issue 2017/12; Policy Brief). Robert Schuman Centre for Advanced Studies (RSCAS), Migration Policy Center (MPC).

14 Ibid.

15 United Nations, Department of Economic and Social Affairs, Population Division. (2019). *International Migrant Stock 2019* (United Nations Database, POP/DB/MIG/Stock/Rev.2019).

## LEBANON

Country of destination	Total Stock	% of total emigrants
Germany	73,546	9%
France	51,930	6%
Sweden	28,815	3%
United Kingdom	18,633	2%
United Arab Emirates	41,293	5%
Brazil	16,584	2%

Source: United Nations, Department of Economic and Social Affairs, Population Division, 2019

However, as only a small fraction of emigrants still hold Lebanese nationality, the size of the Lebanese diaspora is usually estimated to be much bigger, with numbers ranging between four and 15 million. However, reliable statistics on the size and structure of the Lebanese emigrant population are lacking, largely due to political ramifications.

### 2.1.3. Diaspora-state relations

The relationship between the state of Lebanon and its diaspora can be described as very dynamic and complex in nature, with the state cultivating longstanding cultural, economic and political ties. Emigrants have not only been central to the country's political struggles but also community and civil society structures, as well as economic entrepreneurship in the diaspora, contribute to the diverse development processes of the country of origin.<sup>16</sup> Especially in times of crisis, the Lebanese diaspora show a strong commitment to the country of origin by mobilizing political support as well as philanthropic contributions as seen in the response to the political uprisings in 2019, the Covid-19 pandemic, the ongoing economic crisis, as well as the explosion in the port of Beirut in 2020.<sup>17</sup>

Yet, Skulte-Ouaiss and Tabar<sup>18</sup> argue that Lebanese state-diaspora relations can be characterised as 'weak' as they tend to reflect the politically fragmented system in the country of origin. The lack of state autonomy, power, and capacity to provide a unified framework for politics, society, and even the economy has engendered in the Lebanese an identity and sense of belonging situated more in membership of a particular sect than in a unified sense of nationhood. As a result, diaspora politics of the state have been highly symbolic in nature and tend to focus more on leveraging the economic contributions of the diaspora for development processes in particular rather than protecting and promoting the rights of emigrants. However, as will be shown below, the government's more recent

16 Skulte-Ouaiss, J., & Tabar, P. (2015)

17 Saleh, S. (2020). *ICMPD- EUDiF Diaspora Engagement Fact sheet—Lebanon*. European Union Global Diaspora Facility (EUDiF) & International Centre for Migration Policy Development (ICMPD). Retrieved June 02, 2021, from [https://diasporafordevelopment.eu/wp-content/uploads/2020/04/CF\\_Lebanon-v.2.pdf](https://diasporafordevelopment.eu/wp-content/uploads/2020/04/CF_Lebanon-v.2.pdf)

18 Skulte-Ouaiss, J., & Tabar, P. (2015)

reforms of the citizenship system, as well as in the sphere of political participation can be considered as important steps towards strengthening its relationship with the diaspora.<sup>19</sup>

Given the dominant sectarian political structure in Lebanon, Lebanese political parties can be considered important actors in institutionalizing diaspora engagement. All parties cultivate ties with the diaspora by engaging in frequent contact and exchange through visits and meetings of party representatives with members of the diaspora, organizing events and conferences that promote diaspora engagement, and establishing party offices and designated representatives in charge of diaspora relations. As a result, diaspora-state relations, to a certain degree, reflect and reproduce the fragmented political system in the country of origin.<sup>20</sup>

Lebanese migrant communities abroad have created a diverse landscape of civil society structures including village associations, political organizations, and charity, student, and religious groups. Connecting the diaspora with the country of origin, these organizations engage in transnational practices aimed at community building and providing social, cultural and economic contributions to local development processes. Some of the village and charity organizations are closely affiliated with the major political parties in Lebanon mirroring, to a certain degree, the political (and sect-based) spectrum in the country.<sup>21</sup> At the same time, the civic uprising that took to the streets in October 2019, which saw a political mobilization beyond sect identities, also led Lebanese people in the diaspora to organize themselves under a more unified framework. Since then, Lebanese emigrants have become active in organizing peaceful protests, fundraising activities, and political campaigns and have made use of social media to advocate for the rights of emigrants such as voting from abroad and the right of Lebanese women to pass on their citizenship to their children.<sup>22</sup>

## 2.2. Overview of the legal framework concerning diaspora engagement

### 2.2.1. Actors and Institutions

The Lebanese diaspora infrastructure includes **governmental authorities** such as consulate networks, diaspora institutions at ministry and sub-ministry level as well as **representative bodies** which seek to foster the connections and representation of the Lebanese abroad.

#### *Government authorities*

**The Ministry of Foreign Affairs and Emigrants (MoFAE)**<sup>23</sup> is the primary national authority dealing with issues concerning Lebanese nationals residing abroad. Its main goals are to cultivate relations

19 Saleh, S. (2020)

20 Skulte-Ouaiss, J., & Tabar, P. (2015)

21 Ibid.

22 Saleh, S. (2020)

23 For more information on the the Ministry of Foreign Affairs and Emigrants see: <https://mfa.gov.lb/arabic/ministry/ministry-missions/foreign-affairs>

between the country and its diaspora and to promote cooperation in various fields. Within the MoFAE, the **General Directorate of Emigrants (GDE)** is responsible for issues related to Lebanese emigrants, aimed at strengthening their relationship and ties with the country of origin. Another of the GDE's objectives is to incentivize contributions from the diaspora to promote Lebanon's development processes, especially in the economic field. The mandate of the MFA's **Directorate of Political and Consular Affairs (DPCA)** is to coordinate the activities of consulates. The services provided by the DPCA to Lebanese emigrants range from registering matters of personal status, dealing with inquiries related to their property in Lebanon, applying laws related to nationality, renewing and authenticating official documents and passports - to providing information on investment opportunities, and the registration of voting abroad.<sup>24</sup>

While it does not have an explicit mandate to engage with the diaspora, Lebanon's **Ministry of Tourism**<sup>25</sup> frequently seeks to reach out to Lebanese nationals and their descendants abroad to promote returning to the country for seasonal tourism as well as investments in tourism-related projects.<sup>26</sup>

The **Investment Development Authority of Lebanon (IDAL)**<sup>27</sup> is a national investment promotion agency established in 1994 to attract, facilitate, and retain national and foreign investment in Lebanon as well as promoting and marketing Lebanese exports. IDAL initiated the Targeting Lebanese Expatriates (TLE)<sup>28</sup> programme aimed at encouraging Lebanese emigrants to invest in Lebanon and, hence link the Lebanese diaspora with local development processes. Among other activities, the agency participates in events and conferences to promote its national initiative to attract investments from Lebanese expatriates. For instance, in 2016, IDAL organised a workshop with ICMPD that brought together a national committee of experts from the public and private sectors to develop a national strategy on diaspora engagement and direct investments.<sup>29</sup> IDAL also partnered with the UNDP's TOKTEN project "Transfer of Knowledge Through Expatriate Nationals" to encourage the short-term return of professionals to utilize diaspora expertise and knowledge by offering mentorship to selected companies in Lebanon.<sup>30</sup> TOKTEN Lebanon was implemented in three phases from 2016 to 2018 with the aim of supporting the government's efforts to strengthen technical capabilities in key sectors and institutions. The objective was to encourage knowledge transfer by enabling the short-term return of Lebanese expatriates, with IDAL being one of the main partner institutions.<sup>31</sup>

24 Tabar, P. & Denison, A. (2020). *Diaspora Policies, Consular Services and Social Protection for Lebanese Citizens Abroad*.

25 For more information on the The Ministry of Tourism see: <http://www.mot.gov.lb/>

26 Tabar, P. & Denison, A. (2020)

27 For more information on the Investment Development Authority of Lebanon see: <https://investinlebanon.gov.lb/>

28 No detailed information can be found about the programme.

29 For more information see: <https://investinlebanon.gov.lb/en/InformationCenter/NewsEventDetails/173>

30 Zbeed, A. (2016) *Strengthening the Capacity of Lebanon to Utilize Workers' Remittances for Development*. Factual Report on Migration, Remittances and Development. Economic and Social Commission for Western Asia (ESCWA)–United Nations. For more information on the mentoring initiative see: <https://investinlebanon.gov.lb/en/informationcenter/newseventdetails/113>

31 For more information on the TOKTEN program in Lebanon see: <http://www.toktenlebanon.org/>

### **Representative bodies**

As well as these government institutions, the Lebanese state established representative bodies to ensure that the voices of the Lebanese diaspora are represented in the decision-making process. Established in 1999, the **Economic and Social Council of Lebanon (CES)**<sup>32</sup> is a consultative body that aims to develop dialogue, cooperation, and coordination among various social, economic and professional sectors and actors in Lebanon to ensure their participation in the formal decision-making processes of the government. The CES prepares studies and policy reports on economic and social issues either at the request of the government or on its own initiative. The CES primarily functions within Lebanon, but also seeks to encourage cooperation and coordination with Lebanese nationals residing abroad through the organization of international conferences and other dialogue activities. Further, six of the 71 seats in the Council are reserved for representatives of Lebanese emigrants or emigrants of Lebanese origin.<sup>33</sup>

The **World Lebanese Cultural Union (WLCU)**<sup>34</sup> is a non-political, non-religious, and non-profit organization recognized by the Lebanese Government to represent the Lebanese diaspora (anyone of Lebanese descent abroad). It was established in Beirut in 1960, under the auspices of the then President Fu'ad Chehab based on joint efforts by the state and members of the diaspora. It is considered to be one of the biggest institutions connecting Lebanese in the diaspora and operates offices and chapters around the world. The main objectives of the WLCU are to strengthen the social, cultural, and economic ties between Lebanon and its diaspora, cultivate Lebanese identity, culture, and heritage, foster the connections and collaboration between Lebanese diaspora organizations, promote cultural exchange in the countries of residence and Lebanon, and provide services for the Lebanese emigrants and their descendants.<sup>35</sup>

## **2.2.2. Laws, legislation, regulations and measures**

### **Definition of diaspora**

Lebanon does not have a consolidated legal framework for diaspora engagement, nor a law that defines who belongs to the diaspora. As a result, there is no nationally agreed term. Instead, different actors refer to the diaspora in varying ways, such as 'the Lebanese Expansion' (Arabic, الانتشار اللبناني al-intishar al-lobnani; also الجالية اللبنانية al-jāliyyah al-lubnaniyyah)<sup>36</sup> or Lebanese expatriates.

32 For more information on the Economic and Social Council of Lebanon see: <https://www.lebarmy.gov.lb/fr/content/conseil-economique-et-social>

33 Tabar, P. & Denison, A. (2020)

34 For more information on the World Lebanese Cultural Union see: <https://www.wlcu.ws/>

35 Brand, L. A. (2006). *Citizens Abroad: Emigration and the State in the Middle East and North Africa*. Cambridge University Press.

36 Saleh, S. (2020)

### **Citizenship**

According to the Law of 11 January 1960<sup>37</sup> amending and supplementing Decree No 15 of 19 January 1925 on citizenship, the country permits dual citizenship and allows Lebanese citizens to renounce their Lebanese citizenship if required by the country of application.

The **Lebanese Citizenship Reacquisition Law no. 414**, passed by the Lebanese Parliament on 24th November 2015, enables emigrants of Lebanese descent to gain Lebanese citizenship. A person is eligible for the process if the name of any of their male ancestors was registered in Lebanese censuses from the years 1921, 1924 or 1932. To regain Lebanese citizenship, relationship to the family has to be proved through any official documents. The process is free of charge and takes about 12 months to finalize. While the law is a crucial step towards granting rights to Lebanese emigrants and their descendants, it has been criticized for discriminating against women as it only applies to individuals of patrilineal Lebanese descent.<sup>38</sup>

### **Voting from abroad**

The **Voting for Lebanese Diaspora Law**<sup>39</sup>, which was enacted in the 2008 Parliamentary Elections Law, guarantees the right of Lebanese nationals abroad to vote in national elections, and to be represented in the Parliament.

#### **Box 1. Parliamentary Elections Law No. 44/2017**

In the reformed Parliamentary Elections Law No. 44/2017, the following articles, among others, regulate the voting of non-resident Lebanese citizens.

- *Article 111 entitles any non-resident Lebanese citizen to exercise the right to vote in polling centres established in embassies and consulates, provided that their name is registered in the personal status records.*
- *Article 112 stipulates that the parliament reserves six seats for non-residents candidates, equally divided between Christians and Muslims. One seat is designated to each of the Maronite, Orthodox, Catholic, Sunni, Shiite, Druze confessions, and equally distributed to the six continents.*
- *Article 113 regulates the voter registration stating that voters can register at the Lebanese embassies and consulates abroad either in person, post, or through electronic registration if available.*

37 The English translation of the law can be accessed via: [https://www.ecoi.net/en/file/local/1182810/1930\\_1360837454\\_51120f8b2.pdf](https://www.ecoi.net/en/file/local/1182810/1930_1360837454_51120f8b2.pdf)

38 Saleh, S. (2020)

39 The English translation of the law can be accessed via: <https://www.mfa.gov.lb/Library/Files/Uploaded%20Files/Lebanese%20electoral%20law%202017.pdf>

In the first election after its implementation in 2017, a total of 82,965 persons registered while 46,799 Lebanese nationals actually cast their vote from abroad. Polling was conducted in 40 countries across the world, with the highest voter turn-out in Canada, Australia, the United States, France, and Germany.<sup>40</sup>

### **Investment**

**Investment Law No. 360**<sup>41</sup> enacted in 2001, provides the main framework for regulating investment activities in Lebanon aimed at providing investors with a range of incentives and business support services. It focuses on a set of priority sectors including Agriculture, Agro-industry, Industry, IT, Media, Technology, Telecommunication, and Tourism, and encourages expatriates to invest.

#### **Box 2. Investment Law No. 360 and the role of the diaspora**

Article 6 of the law sets out the tasks of the Investment Development Authority of Lebanon (IDAL), which is also mandated to develop “an informative program, organizing promotional campaigns, design, print, produce and distribute publications and promotional material aimed at encouraging and attracting expatriate Lebanese, Arab and foreign investors to invest in Lebanon”.<sup>42</sup>

## **2.3. Overview of diaspora engagement policies and programmes**

### **2.3.1. Best Practices**

The Lebanese Government and other stakeholders, including international organisations such as UNDP and ICMPD, mainly seek to strengthen and cultivate the ties with the homeland, with the ultimate aim of leveraging the contributions of the diaspora towards socio-economic development processes. At the same time, however, social protection policies and initiatives targeting the diaspora are almost absent. This can in part be explained as being a result of the fragmented system and the lack of institutions and measures of protection inside the country.<sup>43</sup>

The **Lebanese Nationality Programme** was initiated by the Ministry of Foreign Affairs and Emigrants in 2017 to reinforce ties with the emigrant population and strengthen Lebanese identity in diaspora communities by offering people of Lebanese descent globally the opportunity to apply for nationality. The application can be done via an online platform that provides information in four different languages. The Libanity campaign seeks to reach out to potential beneficiaries of the programme, using social

40 UNDP. (2018). *2018 Lebanese Parliamentary Elections: Results & Figures*. Retrieved 21 May, 2021 from: <https://www.lb.undp.org/content/lebanon/>

41 The English translation of the law can be accessed through the following link: <https://investinlebanon.gov.lb/Content/uploads/SideBlock/180321040008839~IDAL%20-%20Law%20360.pdf>

42 IDAL. (2001). *Investment Law No. 360*. Investment Development Authority of Lebanon. Retrieved June 03, 2021 from: <https://investinlebanon.gov.lb/>

43 Tabar, P. & Denison, A. (2020)

media sites such as [YouTube](#), [Instagram](#), and [Facebook](#) to highlight the various benefits of reclaiming Lebanese nationality such as the right to vote and right to residency.

**The Lebanese Diaspora Energy conference (LDE)**<sup>44</sup>, first initiated by the Lebanese Ministry of Foreign Affairs and Emigrants in 2014, is aimed at gathering Lebanese people – both emigrants and residents of the country – to strengthen bonds between Lebanon and its diaspora. Major objectives include providing a space to celebrate the success stories of Lebanese expatriates, promoting Lebanese heritage, culture, and identity, reinforcing connections by providing a platform for people to create networks at the national and international level, and exploring opportunities for the diaspora to engage in the reform and development process of the country.

Recommendations from LDE conferences have resulted in several initiatives to further strengthen the ties and encourage contributions from the diaspora to development processes. For instance, the **Lebanon Connect App**<sup>45</sup> was launched in collaboration with the Ministry of Foreign Affairs and Emigrants to provide a platform for Lebanese professionals around the world to promote their businesses, events, and products. However, some user reviews indicate they had technical problems, including difficulties downloading, installing, registering or opening the app.<sup>46</sup>

Similarly, **the DiasporaID**<sup>47</sup> developed by Netways and supported by USAID and the Lebanese Ministry of Foreign Affairs and Emigrants, is a platform that seeks to offer opportunities for Lebanese people, networks, and businesses worldwide to connect and collaborate. The app enables users to connect with Lebanese communities, groups, and organizations inside the country as well as within the diaspora to strengthen bonds and networks with the homeland and within the diaspora community. Alongside promoting ties at the community level, the app aims to facilitate networking and cooperation among Lebanese professionals, companies, startups, and social enterprises worldwide to promote knowledge transfer and economic development.

**The Live Lebanon**<sup>48</sup> programme implemented by UNDP Lebanon, with the Ministry of Foreign Affairs and Emigrants among its partners, seeks to connect the Lebanese more directly with projects that promote economic and community development in underprivileged and underdeveloped Lebanese communities. Lebanese in the diaspora can support a diverse range of community-based initiatives in the areas of health, education, or economic development by donating their money, time or knowledge.

**Lebanese International Finance Executives**<sup>49</sup> (**LIFE Lebanon**) was established in 2009 as a global, non-religious, apolitical support network of Lebanese professionals abroad. LIFE Lebanon is active in 10 countries worldwide including Lebanon and seeks to utilize the expertise of highly-skilled Lebanese

44 For more information on the conference see: <https://www.lde-leb.com/lde2019.php>

45 For more information on the app see: <https://play.google.com/store/apps/details?id=com.lebanonconnect&hl=en&gl=US>

46 See for examples reviews for the app on google play: <https://play.google.com/store/apps/details?id=com.lebanonconnect&hl=en&gl=US>

47 For more information on the app see: <https://www.diasporaid.com/#1>

48 For more information on the programme see: <http://www.livelebanon.org>

49 For more information on LIFE Lebanon see: <https://www.lifelebanon.com/>

expatriates under the following four pillars: ‘Connect’ by creating ties among Lebanese professionals; ‘Nurture’ by fostering the development of younger generations; ‘Promote’ development processes especially within the Lebanese economy; and ‘Advocate’ for economic and social reform. Activities include organizing business networking events, offering scholarships and mentoring programmes, promoting job creation, and providing recommendations for the development of economic and financial policies in Lebanon. In response to the economic crisis in Lebanon and the explosion in the port of Beirut in 2020, LIFE launched the Emergency Relief Fund and the Beirut Emergency Fund to offer financial support to NGOs focusing on helping the most vulnerable Lebanese communities. According to the organization, these initiatives were able to raise 9.4 million US\$ for humanitarian efforts in Lebanon.

## 2.4. Conclusions and lessons learned

Lebanon has one of the longest emigration histories in the Middle East. Currently, Lebanese emigrants are geographically dispersed across the world, officially numbering 844,158 in 2019. However, the size of the Lebanese diaspora is usually estimated as being much higher, with numbers ranging between four and 15 million.

In many cases, the relationship between the state and the Lebanese diaspora can be described as very dynamic and complex in nature. Emigrants have been central to the country’s political struggles, community and civil society structures; further, economic entrepreneurship in the diaspora contributes to the diverse development processes of the country of origin.<sup>50</sup> This is particularly evident in times of crisis, for instance during the political uprisings in 2019, the Covid-19 pandemic, the economic crisis, as well as the explosion in the port of Beirut in 2020.

However, there are a number of challenges and an implementation gap in Lebanon’s diaspora engagement strategy which can be summarized as follows:

- **Absence of an adequate legal framework:** Lebanon does not have a consolidated legal framework for diaspora engagement, nor a nationally agreed definition of its diaspora. There is no diaspora law in place to guide the policy and define the population of concern. However, more recent legal reforms of the Election and Citizenship Law can be seen as a major step towards improving the legal basis for the diaspora engagement policy. The lack of a legal framework to ensure social protection for the diaspora is, to a major extent, the result of a lack in institutions and regulation of the system in the country.
- **Insufficient coordination and unreliable support:** There appears to be a lack of coordination between Lebanese ministerial institutions dealing with the diaspora, which is seen, at least partly, in the absence of a general strategy or policy (if not a legal act) on diaspora engagement. In order to ensure policy coherence, communication and exchange between the different actors has to be improved. Moreover, bureaucratic hurdles and barriers in accessing services (both in the country and abroad) limit the impact of diaspora engagement policies.

<sup>50</sup> Skulte-Ouaiss, J., & Tabar, P. (2015)

- **Overemphasizing obligations and understating rights:** Historically, the Lebanese Government has focused on material interests by tapping into the (economic) resources of the diaspora, e.g. by attracting investment, rather than extending and protecting the rights of its emigrant population. While current reforms definitely represent an important step towards increasing the rights of emigrants, the government has to make greater efforts to demonstrate its role as protector and benefactor of the Lebanese diaspora. This, in turn, would also further increase the diaspora's trust in government and the engagement efforts it makes.
- **Lack of unity and political polarization:** The sectarian and societal division characterizing the social fabric of Lebanon is, to certain degree, mirrored in the Lebanese diaspora. These lines of conflict also reproduce themselves in Lebanese diaspora communities and shape current relations between the diaspora and the state. In this regard, the different parties represented in the political system in Lebanon also shape the political system in the diaspora. In effect, parties tend to reach out to their own constituencies abroad, while the state is less able to establish a more unified framework and point of reference with regard to diaspora engagement.
- **Better on paper than in reality:** While Lebanese Government actors and diasporic entrepreneurs all make use of new technologies (e.g. social media, apps, etc.), in some cases (e.g. the Lebanon Connect App), these initiatives look good in principle, but in reality fail to live up to their promise. This indicates that such initiatives not only need innovative and entrepreneurial spirit but also technical know-how and human and financial resources to be implemented in a sustainable way.

# 3. Country Case Study: INDIA



## 3.1. Migration patterns and history

### 3.1.1. Emigration history

India has a long and complex history of emigration with early roots in British colonial history.<sup>51</sup> With the abolition of the slave trade in 1807, there was a high demand for labour in the British colonies in the Caribbean (West Indies), particularly in agricultural activities such as sugar and rubber plantations.<sup>52</sup> To meet this demand, British colonial rulers established a system to promote the large-scale movement of indentured labourers from India to other colonies.<sup>53</sup> The Netherlands and France followed Britain and relied on the same system to meet labour demands in their colonies.<sup>54</sup> Between 1834 and 1947, it is estimated that 30 million Indians left India.<sup>55</sup> <sup>56</sup> Already by 1878, Indian labourers could be found in many colonies including Mauritius, Guyana, Trinidad, Natal, Suriname, and Fiji.<sup>57</sup> These earlier waves of emigration form the old Indian diaspora mainly concentrated in the global South.

After India gained its independence from Britain in 1947, the following two decades saw new waves of labour migration mainly from South to North, towards the United Kingdom, the United States and Canada.<sup>58</sup> In the 1960s after Indians were expelled from newly independent African countries such as Kenya and Uganda, the volume of migration increased to the United Kingdom, the United States, Canada and Europe.<sup>59</sup> The implementation of more restrictive immigration policies in the UK in the late 1960s

51 Naujoks, D. (2009). Emigration, Immigration, and Diaspora Relations in India. Migration Policy Institute (MPI). Retrieved June 14, 2021, from: <https://www.migrationpolicy.org/article/emigration-immigration-and-diaspora-relations-india>

52 Naujoks, D. (2009)

53 Sen, S. (2016). Indentured Labour from India in the Age of Empire. *Social Scientist*, 44(1/2), 35-74. Retrieved June 14, 2021, from <http://www.jstor.org/stable/24890231>

54 Green, W. (1983). Emancipation to Indenture: A Question of Imperial Morality. *Journal of British Studies*, 22(2), 98-121. Retrieved June 14, 2021, from <http://www.jstor.org/stable/175675>

55 Khadria, B. (2009). "Indian Migration Report 2009: Past, Present and Future Outlook". New Delhi: Jawaharlal Nehru University

56 Kuschminder, K., & Hercog, M. (2011). The power of the strong state: a comparative analysis of the diaspora engagement strategies of India and Ethiopia.

57 Naujoks, D. (2009)

58 Vezzoli, S. & Lacroix, T. (2010). Building bonds for migration and development. Diaspora engagement policies of Ghana, India and Serbia. [Research Report] International Migration Institute, Gesellschaft für Technische Zusammenarbeit (GTZ).

59 Kuschminder, K., & Hercog, M. (2011)

accelerated the permanent settlement of labour migrants in that country which in turn, facilitated the subsequent waves of family migration towards the UK.<sup>60 61</sup> In Western European economies during the economic boom of the late 1960s, there were new waves of emigration towards Germany, the Netherlands, France and Belgium, though the UK remained the largest recipient.<sup>62</sup> The oil boom of the 1970s attracted large movements of both skilled and unskilled Indian labour migrants towards the Gulf countries, including the United Arab Emirates, Qatar, Kuwait, Oman and Saudi Arabia.<sup>63 64</sup> Most of these migrants in the Gulf countries returned to India on completion of their contracts.<sup>65</sup> Another wave of Indian migration to Europe occurred during the 1980s, after countries across Europe began to implement restrictive immigration rules with respect to the entry and residence of semi- or unskilled third-country nationals.

The most recent waves of emigration from India have consisted of highly-skilled professionals, such as doctors, engineers and scientists who arrived in Europe and North America from the early 2000s onwards.<sup>66</sup> In addition, large numbers of low skilled workers move to the Middle East to work in construction, transportation and domestic sectors among others.<sup>67 68</sup>

### 3.1.2. Size and characteristics of the Indian(-origin) population abroad

The Indian Government terms **overseas Indians** as *persons of Indian origin (PIO)* and *non-resident Indians (NRI)*. Non-resident Indians are those who still have Indian citizenship, whether born in India or not, and habitually live abroad.<sup>69</sup> According to the latest IOM figures, India is the country of origin with the largest number of international migrants with 17.5 million non-resident Indians (NRIs) living abroad (IOM, 2020). The Indian Ministry of Interior provides different figures, stating that 13.4 million non-resident Indian citizens are living in 205 countries.<sup>70</sup> The majority of them reside in the Gulf countries (UAE, Saudi Arabia, Kuwait, Oman, Qatar) and the USA.<sup>71</sup>

The larger group of overseas Indians consists of persons of Indian origin (PIO), including those who acquired citizenship of another country, but have Indian ancestry of up to four generations. According to the figures of the Indian Ministry of External Affairs, there are 18.6 million PIOs residing in 180 countries, meaning at least 32 million Indians living abroad. The majority of PIOs live in the USA, followed by Malaysia, Myanmar, Sri Lanka, Canada and South Africa.<sup>72</sup> While PIOs are a minority in

60 Vezzoli, S. & Lacroix, T. (2010)

61 Ibid.

62 Kuschminder, K., & Hercog, M. (2011)

63 Azeez, A. & Begum, M. (2009). Gulf Migration, Remittances and Economic Impact.

64 Kuschminder, K., & Hercog, M. (2011).

65 Vezzoli, S. & Lacroix, T. (2010)

66 Ibid.

67 Kuschminder, K., & Hercog, M. (2011)

68 Chanda, R. & Sreenivasan, N. (2006). India's experience with skilled migration.

69 Ibid.

70 Ministry of Exterior, Population of Overseas Indians [http://mea.gov.in/images/attach/NRIs-and-PIOs\\_1.pdf](http://mea.gov.in/images/attach/NRIs-and-PIOs_1.pdf)

71 Ibid.

72 Ibid.

most countries, they make up 40 percent of the population in Fiji, Trinidad, Guyana, and Suriname and they constitute around 70 percent of the inhabitants of Mauritius.<sup>73</sup>

**Table 2: Major countries of residence for NRIs**

Country	Non-Resident Indians (NRIs)
UAE	3,419,875
Saudi Arabia	2,592,166
USA	1,280,000
Kuwait	1,028,274
Oman	779,351
Qatar	745,775
Nepal	600,000
UK	351,000
Singapore	350,000
Bahrain	323,292
Australia	241,000
Malaysia	227,950
Canada	178,410
Italy	157,695
Germany	142,585
Philippines	105,000
Other countries	1,079,407
<b>Total</b>	<b>13,601,780</b>

**Table 3: Major countries of residence for PIOs**

Country	Persons of Indian Origin (PIOs)
USA	3,180,000
Malaysia	2,760,000
Myanmar	2,000,000
Sri Lanka	1,600,000
Canada	1,510,645
South Africa	1,500,000
UK	1,413,000
Mauritius	884,000
Trinidad & Tobago	555,000
Fiji	313,798
Singapore	300,000
Guyana	298,782
France (Reunion Island)	297,000
Australia	255,000
Suriname	237,000
Netherlands	200,000
Other	470,160
<b>Total</b>	<b>18,683,645</b>

**Sources:** Ministry of Exterior, *Population of Overseas Indians, NRI and PIO population Population of Overseas Indians, by country of residence* [http://mea.gov.in/images/attach/NRIs-and-PIOs\\_1.pdf](http://mea.gov.in/images/attach/NRIs-and-PIOs_1.pdf)

73 Naujoks, D. (2009)

### 3.1.3. State-diaspora relations

India is one of the leading countries in the field of diaspora relations with one of the most comprehensive state-level diaspora engagement policies.<sup>74</sup> The Indian Government's commitment to engage with its diaspora dates back to the 1980s and grew significantly after the 1990s.<sup>75 76</sup>

Naujoks (2009) identified three main reasons for the growing interest of the Indian Government towards its diaspora. First is the liberalization of the economy in 1991 which allowed Indians abroad to become agents of trade, investment and technology. Second, the existence of a large Indian population in industrialized countries such as the USA led to a realization of the political influence and lobbying potential of its population abroad. And third, the increasing success of highly skilled Indians in multinational corporations, particularly in the IT sector, and the positive impact this had on public perception about the qualities of Indians, prompted successive governments to strengthen ties with the Indian diaspora.

The establishment of a new Ministry of Non Resident Indians' Affairs in 2004, renamed as the Ministry of Overseas Indian Affairs (MOIA) in the same year, is illustrative of the shifting attitude of the government towards the diaspora.<sup>77</sup> The creation of this ministry-level diaspora institution was one of the recommendations in a high-level committee report drafted in 2000 that provided insights into the situation of the Indian diaspora in more than 20 countries.<sup>78 79</sup> The high-level committee that drafted this report was convened by the Ministry of External Affairs to study the possibility of developing new legislation and recommend policies to increase diaspora engagement. The findings of this report paved the way for a series of measures to formalize the relations with the diaspora, such as: the development of a special identification card scheme (Overseas Citizenship of India) for those who do not qualify for Indian citizenship; designating 9th January as a day of celebration to recognize the contributions of diaspora members; and establishing a series of diaspora institutions at different levels to assist the MOIA. The MOIA later merged with the Ministry of External Affairs and in 2016 became a division of the MEA.<sup>80</sup>

The government does not have an official definition for diaspora, but the overall discourse indicates that the term is often associated with development and investment and therefore, the target group appears to be those who are likely to send remittances and transfer skills to their (ancestral) country of origin or to engage in lobbying efforts in favour of India's interests.<sup>81</sup> It is only recently in 2011 that the government expanded the scope of engagement to political participation by granting voting rights to non-resident Indian citizens.

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74 Vezzoli, S. & Lacroix, T. (2010)

75 Naujoks, D. (2009)

76 Vezzoli, S. & Lacroix, T. (2010)

77 Hercog, M., & Siegel, M. (2011)

78 Vezzoli, S. & Lacroix, T. (2010)

79 Hercog, M., & Siegel, M. (2011)

80 Vezzoli, S. & Lacroix, T. (2010)

81 Ibid.

## 3.2. Overview of the legal framework concerning diaspora engagement

### 3.2.1. Actors and Institutions

The Government of India formed several institutions devoted to deal with emigrants and their descendants in the diaspora. The initial step towards institutionalizing diaspora relations was the creation of the Ministry of Overseas Indian Affairs in 2004, which later dissolved and merged with the Ministry of External Affairs in 2016. Therefore, the overall governance of diaspora issues shifted from ministry-level to sub-ministry level. The roles and responsibilities of the major institutions and actors dealing with diaspora-related issues can be listed as follows:

**Ministry of External Affairs (MEA): Division of Overseas Indian Affairs (OIA) 2016:** This division within the MEA is the central coordination hub for diaspora engagement activities. It is responsible for facilitating all legislative, regulatory and process reforms and international cooperation matters related to overseas Indian populations, including the NRIs and PIOs.<sup>82</sup>

**Ministry of External Affairs (MEA): Protector General of Emigrants (PGE):** The division was set up under the MEA on the basis of the 1983 Emigration Act and acts as the main authority in charge of protecting labour migrants' rights abroad.<sup>83</sup> It is responsible for issuing Registration Certificates to the Recruiting Agents for overseas employment procedures.<sup>84</sup>

**Ministry of Home Affairs (MoHA): Foreigners Division:** The division is in charge of all matters relating to visa, immigration, citizenship, overseas citizenship scheme of India, acceptance of foreign contribution and hospitality.<sup>85</sup>

**Prime Minister's Global Advisory Council (2009):** The Council was established by the government in 2009. Its members are scholars, scientists, politicians, and businesspeople from the diaspora. The Council is a high-level body working towards leveraging the skills and talent of the most highly-skilled Indians abroad in order to promote transnational business partnerships and entrepreneurship and facilitate knowledge transfers and capacity building.<sup>86 87</sup>

**Overseas Indian Facilitation Centre (OIFC) (2007):** The OIFC was set up in 2007 as a public-private partnership with the Confederation of Indian Industry (CII) with the aim of attracting diaspora investment to India. The OIFC is in charge of reaching out to potential overseas Indian investors and providing them with services and information on business and investment opportunities in India. The

82 Hodiwala, N. (2020). India Diaspora Engagement Factsheet. ICMFD - EU Global Diaspora Facility, Retrieved from: <https://diasporaforddevelopment.eu/interactive-map/>

83 Vezzoli, S. & Lacroix, T. (2010)

84 Protector General of Emigrants (PGE), retrieved from the website of the Ministry of External Affairs <https://mea.gov.in/protector-general-emigrants.htm>

85 Hodiwala, N. (2020)

86 Naujoks, D. (2009)

87 Vezzoli, S. & Lacroix, T. (2010)

primary mission of the OIFC is to facilitate business and investment partnerships between overseas Indians, Indian states and the private sector. Both the OIFC and the Global Advisory Council represent partnerships between the OIA and other institutions—the former at government level and the latter at the private level.<sup>88 89</sup>

**The Global Indian Network of Knowledge (INK):** This is an online knowledge sharing and interaction platform aimed at promoting intellectual engagement between Indians at home and abroad. It is a cooperation venture between the MEA and Tata Consultancy, a leading private IT company.

Both the IFC and INK represent pseudo-public/private partnerships where the state has engaged another body to carry out some activities, which provides a good way to disperse the financial burden while increasing the knowledge resources available to the institutions.

**Division of Overseas Indian Affairs (OIA):** These centres are attached to the embassies in Washington, Abu Dhabi and Kuala Lumpur as field offices of the Ministry of Exterior and are tasked with matters relating to the protection and welfare of overseas Indians.<sup>90</sup> Their responsibilities include association networking, provision of legal/medical assistance and consular services in addition to conducting field studies.<sup>91</sup>

**Indian Council of Overseas Employment (ICOE):** The ICOE was set up to protect the rights of foreign workers abroad, provide advice to migrants on social protection and identify foreign labour market needs to match with Indian labour supply. To realize this aim, the ICOE conducts market assessments, identifies employment opportunities abroad, and crafts strategies to respond to foreign market needs.<sup>92</sup> In 2010, the ICOE signed a memorandum of understanding with the Migration Policy Institute (MPI), an independent think tank in Washington, D.C.<sup>93</sup>

The OIA and ICOE were initially set up to protect the rights of Indian workers abroad but they also have a strong role in assessing labour market needs and determining where and how Indian workers can adapt to meet those needs.

Other institutions have been established at the state level, as regional authorities increasingly recognized the importance of leveraging the benefits and minimizing the risks of migration.<sup>94</sup> For example, **Non-Resident Keralites Affairs (NORKA)** was established in 1996 as a department of the government of Kerala to assist NRIs from Kerala and sustain the linkages between the diaspora and state authorities. For this purpose, in 2002, NORKA established an online platform called NORKA Roots, containing all

88 Kuschminder, K., & Hercog, M. (2011)

89 Vezzoli, S. & Lacroix, T. (2010)

90 Ministry of External Affairs, Overseas Indian Centers Abroad (OIC) roles and responsibilities <https://www.mea.gov.in/overseas-indian-centres-abroad.htm>

91 Kuschminder, K., & Hercog, M. (2011)

92 Kuschminder, K., & Hercog, M. (2011)

93 MoU signed between ICOE and MPI, India Embassy in the USA <https://www.indianembassyusa.gov.in/ArchivesDetails?id=1303>

94 Hodiwala, N. (2020).

the information relevant to the welfare of non-resident Keralites (NRK).<sup>95</sup> The platform facilitated return requests to Kerala amidst the COVID-19 outbreak by enabling the registration of people on the database.<sup>96</sup> Other state-level institutions include the **NRI Affairs Department of the State of Punjab**<sup>97</sup>, **NRI Commission of the Government of Goa**<sup>98</sup> and **Andhra Pradesh Non-Resident Telugu Society**.<sup>99</sup>

### 3.2.2. Laws, legislation, regulations and measures

#### *Definition of diaspora*

The Indian Government has not adopted a formal definition of diaspora. However, India considers that its diaspora includes two main categories of diaspora communities, namely, non-resident Indians (NRI) and persons of Indian origin (PIO). Various legislative documents under the mandate of different departments as well as the Constitution, include articles that refer to NRIs and PIOs. The key laws and legislation that apply to or have implications for Indians abroad (both NRIs and PIOs), are listed as follows:

#### *Right to travel*

**The Passports Act (1967)**<sup>100</sup> was enacted after the Supreme Court of India established the right to travel as a fundamental human right. The Act regulates the provision of passports and the departure of Indian citizens from India.<sup>101</sup>

#### *Citizenship*

**The Citizenship Act 1955 (amended in 2003)**<sup>102</sup> provides for a person to obtain Indian citizenship if either one of his/her parents is an Indian citizen, regardless of where the person was born. The amendment in 2003 liberalised descent via the father to descent via either parent.

#### **Box 3. Citizenship (Amendment) Act 1955 (Amended in 2003), Section (1):**

(1) A person born outside India shall be a citizen of India by descent,

- (a) on or after the 26th day of January, 1950, but before the 10th day of December, 1992, if his father is a citizen of India at the time of his birth; or
- (b) on or after the 10th day of December, 1992, if either of his parents is a citizen of India at the time of his birth:

95 Ibid.

96 Ibid.

97 Website of NRI Affairs Department of the State of Punjab <http://nrpunjab.gov.in/>

98 Website of NRI Commission of the Government of Goa <https://www.nri.goa.gov.in/>

99 Website of Andhra Pradesh Non-Resident Telugu Society <https://www.apnrts.ap.gov.in/>

100 The Passports Act (1967) <https://www.refworld.org/docid/3ae6b55910.html>

101 Naujoks, D. (2009)

102 Citizenship Act (1955) <https://www.refworld.org/docid/3ae6b57b8.html>

Therefore, a person born to an Indian parent abroad can obtain Indian citizenship. However, the Indian Government does not allow **dual citizenship**, mainly due to concerns about border populations from Pakistan and Bhutan.<sup>103</sup> Any person who voluntarily obtains the citizenship of another country is no longer a citizen (except for minors who have a second nationality by birth). Similarly, if a person wants to become an Indian citizen, he/she has to renounce his/her other citizenship (s). This is covered in Section 9(1) of the Citizenship Act 1955.

#### **Box 4. Citizenship Act 1955, Section 9 (1):**

##### **9. Termination of citizenship**

(1) Any citizen of India who by naturalisation, registration or otherwise voluntarily acquires, or has at any time between the 26th January, 1950 and the commencement of this Act voluntarily acquired, the citizenship of another country shall, upon such acquisition or, as the case may be, such commencement, cease to be a citizen of India:

Provided that nothing in this sub-section shall apply to a citizen of India who, during any war in which India may be engaged, voluntarily acquires the citizenship of another country, until the Central Government otherwise directs.

(2) If any question arises as to whether, when or how any person has acquired the citizenship of another country, it shall be determined by such authority, in such manner, and having regard to such rules of evidence, as may be prescribed in this behalf.

#### ***A legal alternative to dual citizenship: Overseas Citizenship of India (OCI) (2005)***

Instead of allowing dual citizenship, the Indian Government introduced the “**Person of Indian Origin Card (PIO card)**” in 1999 to extend certain benefits to ethnic Indians who do not qualify for citizenship. This was followed in 2003 by the adoption of legislation on the “**Overseas Citizenship of India (OCI)**” as another membership category. In 2015, the PIO card scheme was merged with the OCI scheme.<sup>104</sup>

The initiative was primarily launched as a result of increasing demands for dual citizenship particularly from the diaspora in developed countries. Foreign nationals who have had or had been eligible for Indian citizenship in the past, and their children, grandchildren and great-grandchildren (up to four generations) could benefit from the scheme and obtain OCI.<sup>105</sup> The scheme was introduced in law through the 2005 amendment of the Citizenship Act 1955.<sup>106</sup> The newly inserted sections in the 1955 Act define the criteria to obtain overseas citizenship and specify the rights that OCI status holders are not entitled to in comparison to resident citizens, including the right to vote, right to run for presidency

103 Kuschminder, K., & Hercog, M. (2011)

104 Naujoks, D. (2020)

105 Aikins, K. & White, N. (2011). Global Diaspora Strategies Toolkit, Dublin: Diaspora Matters, 2011.

106 Citizenship Act 1955, 2005 Amendment to include “Overseas Citizenship Status” [http://164.100.47.4/billstexts/rsbill-texts/AsIntroduced/LXXV\\_2005.pdf](http://164.100.47.4/billstexts/rsbill-texts/AsIntroduced/LXXV_2005.pdf)

or vice-presidency, and access to equal opportunity in public employment. According to the Act, the scheme applies to Indians residing in selected locations, all of which are developed countries.<sup>107</sup> According to the information on the Ministry of External Affairs' website, the OCI status holders are entitled to general "parity with Non-Resident Indians in respect of all facilities available to them in economic, financial and educational fields except in matters relating to the acquisition of agricultural or plantation properties".<sup>108</sup> In addition to the rules specified in the amendment of the Citizenship Act, the Ministry of External Affairs publishes notifications to grant OCI status holders further benefits such as access to local airfares, local national park tariffs, and intercountry child adoptions.<sup>109</sup>

### ***Right to vote***

Persons of Indian Origin and holders of Overseas Citizenship Status do not have the right to vote in elections. Voting rights for non-resident Indians (NRIs) were only introduced in 2010 through an amendment to the Representation of the People (Amendment) Act 1950, 2010.<sup>110</sup> According to the new arrangement, an Indian citizen who is not residing in his/her place of habitual residence due to employment, education or other reasons, and has not acquired citizenship of another country, is entitled to registration on the electoral roll of the constituency of his/her residence in India.<sup>111</sup> However, voting from abroad is prohibited and registered voters should be physically present in India to be able to vote.<sup>112</sup> The denial of the right to vote from abroad remains a major challenge hindering political participation of non-resident Indians. Granting the right to vote from abroad could broaden the current economic and culturally-focused approach to one that is more open and long-term oriented.<sup>113</sup> This is even more pressing given the restrictions on movement imposed by the COVID-19 pandemic and the devastating impact of the disease in India, which can make it almost impossible for many people living in the diaspora to return for the purpose of voting.

107 Australia, Canada, Finland, France, Greece, Ireland, Israel, Italy, Netherlands, New Zealand, Portugal, Republic of Cyprus, Sweden, Switzerland, United Kingdom, United States of America.

108 Overseas Citizenship of India Scheme <https://www.mea.gov.in/overseas-citizenship-of-india-scheme.htm>

109 The relevant notifications published by the Ministry of Exterior can be found here: <https://www.mea.gov.in/overseas-citizenship-of-india-scheme.htm>

110 Representation of the People (Amendment) Act, 2010 [https://prsindia.org/files/bills\\_acts/bills\\_parliament/The\\_Representation\\_of\\_the\\_People\\_Amendment\\_Bill\\_2010.pdf](https://prsindia.org/files/bills_acts/bills_parliament/The_Representation_of_the_People_Amendment_Bill_2010.pdf)

111 Hodiwala, N. (2020)

112 See for voting procedure of NRIs: <https://ecisveep.nic.in/voters/overseas-voters/> and <https://www.nvsp.in> (Hodiwala, 2020)

113 Hercog, M., & Siegel, M. (2011)

### Box 6. Representation of the People (Amendment) Act 1950, 2010 - Insertion of new section 20A

20A. (1) Notwithstanding anything contained in this Act, every citizen of India,—

- (a) whose name is not included in the electoral roll;
- (b) who has not acquired the citizenship of any other country; and
- (c) who is absenting from his place of ordinary residence in India owing to his employment, education, or otherwise outside India (whether temporarily or not), shall be entitled to have his name registered in the electoral roll in the constituency in which his place of residence in India as mentioned in his passport is located.

### *Economic rights and privileges*

Realizing the significant impact that diaspora investment could have on development, the Indian Government granted non-resident Indian investors certain privileges (in comparison to foreign investors) to attract various forms of investment. After the introduction of the OCI scheme, the definition of non-resident Indians has been extended in the foreign direct policy of India to include OCIs (merged in 2015 with PIO status). This has been done with a view to aligning the policy with the government's stated policy to provide OCIs parity with Non Resident Indians (NRIs) in respect of economic, financial and educational fields. In 2015, the government approved amendments to the foreign direct investment (FDI) policy to expand the definition of "non-resident Indians" (NRIs) to include Overseas Citizen of India status holders (OCIs) and Person of Indian Origin cardholders (PIOs); and (i) treat all investments by NRIs under Schedule 4 of the Foreign Exchange Management (Transfer or Issue of Security by a Person Resident Outside India) Regulations, 2000 (TISPRO).<sup>114</sup>

According to Schedule 4 of the Foreign Exchange Management (Transfer or Issue of Security by a Person Resident Outside India), NRIs and OCIs are allowed to make the following financial transfers:

1. *Any capital instrument issued by a company without any limit either on the stock exchange or outside it.*
2. *Units issued by an investment vehicle without any limit, either on the stock exchange or outside it.*
3. *The capital of a Limited Liability Partnership without any limit.*
4. *Convertible notes issued by a startup company in accordance with these Regulations.*

Moreover, India allows NRIs and OCIs to purchase immovable property in India other than agricultural land/plantation property/farm house. This is specified by the Reserve Bank through adoption of the 2011 dated *Master Circular on Acquisition and Transfer of Immovable Property in India by NRIs/PIOs/*

<sup>114</sup> Foreign Exchange Management (Transfer of Issue of Security by a Person Resident outside India) Regulations, 2017 (the "TISPRO"), Schedule 4 [https://rbi.org.in/Scripts/BS\\_FemaNotifications.aspx?Id=11161#S4](https://rbi.org.in/Scripts/BS_FemaNotifications.aspx?Id=11161#S4)

*Foreign Nationals of Non-Indian Origin*<sup>115</sup> regulated in terms of the Foreign Exchange Management Act, 1999 (See Box 5). Section 2A and 2B of the Master Circular lists the rules that apply to NRIs and OCIs respectively.

### **Labour migration rights**

**The Emigration Act (1983)**<sup>116</sup> was drafted primarily in response to the large movement of Indian labourers to the Gulf countries. The Act regulates overseas employment and recruitment of migrant workers and addresses the protection and interests of Indian workers. The Protector General of Emigrants (PGE) was established under this Act.<sup>117</sup>

**Bilateral social security agreements**<sup>118</sup> have been made with various countries to protect the interests of labour migrants and the recruiting companies on a mutual basis. To date, the Ministry of External Affairs has signed 20 bilateral Social Security Agreements.<sup>119</sup>

## **3.3. Overview of diaspora engagement policies and programmes**

Over the past four decades, the Indian Government has succeeded in establishing a multi-layered institutional framework to engage its large and highly heterogeneous diaspora populations.<sup>120</sup> India is consistently praised for having one of the most comprehensive state-level diaspora engagement policies as well as labour migration policies and programmes.<sup>121 122 123</sup>

The Indian Government **does not have a single policy document** guiding its diaspora engagement efforts. Rather, the government's actions in diaspora matters are legitimized through a constellation of institutional and legislative arrangements and programmes that are introduced at different times, for different reasons, and operate across different levels and scales. Diaspora engagement programmes of India can be classified into four main areas: economic cooperation, programmes to promote recognition and representation, cultural and educational programmes and specific measures for protection of migrants' rights.

The following section provides insights into selected programmes and initiatives in these four areas.

115 Master Circular on Acquisition and Transfer of Immovable Property in India by NRIs/PIOs/Foreign Nationals of Non-Indian Origin <https://www.rbi.org.in/commonperson/English/Scripts/Notification.aspx?id=845>

116 The Emigration Act (1983) <https://www.refworld.org/publisher,NATLEGBOD,,IND,3ae6b5318,0.html>

117 Hodiwala, N. (2020)

118 Bilateral social security agreements signed with other countries [https://www.mea.gov.in/bilateral-documents.htm?dtl/26465/Social\\_Security\\_Agreements](https://www.mea.gov.in/bilateral-documents.htm?dtl/26465/Social_Security_Agreements)

119 Hodiwala, N. (2020)

120 Naujoks, D. (2020)

121 Ibid.

122 Vezzoli, S. & Lacroix, T. (2010)

123 Kuschminder, K., & Hercog, M. (2011)

### 3.3.1. Best Practices

#### *Economic policies*

The Indian diaspora is widely acknowledged to be a key development force in facilitating and enhancing investment back home, ‘reverse brain drain’ and promoting international trade.<sup>124</sup> To harness the economic contributions of its diaspora, the Indian Government dedicated the necessary time and resources to gain the trust of its diaspora communities.<sup>125</sup> Since the 1970s, special measures have been put in place to attract investment from non-resident Indians (NRIs). Among the initiatives that made India one of the leading countries to have built a positive relationship between migration and development was the introduction of special deposit schemes for NRIs with favourable interest rates, tax exemptions, and legislation that allows NRIs to purchase real estate and exemption from the restrictions that apply to foreign direct investors.<sup>126</sup> India is also one of the few countries that successfully raised hard-currency financing from its diaspora through issuing diaspora bonds mainly for balance of payments support and to raise financing in times of economic turmoil (Ketkar & Ratha, 2007). However, although India is one of the largest recipients of remittances, there are no policies in place to attract remittances.

#### *Recognition and representation*

The Indian Government has taken important steps to ensure *recognition and representation* of its diaspora, which is a prerequisite for mutual trust. As briefly described in Section 2.2., the **Overseas Citizenship of India (OCI) scheme (2005)**<sup>127</sup> is an exemplary practice that allows ethnic Indians to have a special status and enjoy certain rights that are typically reserved for citizens.<sup>128</sup> It is widely acknowledged that the OCI scheme boosted the connection between India and its diaspora.<sup>129</sup> The scheme provides persons of Indian origin (PIOs) with similar rights to NRIs in terms of access to economic, financial, and educational opportunities, with the exception of acquisition of agricultural or plantation properties.<sup>130</sup> Other advantages are access to local airfares, local national park tariffs, and intercountry child adoptions.<sup>131</sup> The scheme also facilitates ‘reverse brain drain’ by allowing employers in India to hire OCI cardholders who do not need a visa to visit, live or work in India.<sup>132</sup> In March 2021, some restrictions were imposed requiring special permits if the OCI cardholder undertakes research-related activities, missionary, journalism, tabligh or mountaineering activities; or if she/he is taking up

124 Hodiwala, N. (2020)

125 Vezzoli, S. & Lacroix, T. (2010)

126 Naujoks, D. (2020)

127 OCI Scheme government website <https://ociservices.gov.in/>

128 Aikins, K. & White, N. (2011)

129 Hodiwala, N. (2020)

130 Kuschminder, K., & Hercog, M. (2011)

131 Ibid.

132 Hodiwala, N. (2020).

employment in a foreign diplomatic mission in India.<sup>133</sup> The scheme does not allow OCI cardholders to vote, but following the 2010 amendment of the Representation of People Act, non-resident Indians are allowed to register and vote if they travel to India.

The OCI scheme was launched during the **Pravasi Bharatiya Divas (Day of Non-resident Indians)** in 2006. Since 2003, this flagship diaspora initiative has brought together Indian officials with diaspora representatives every two years on 9th January, to recognize and honour the contributions of Indians from the diaspora to India.<sup>134</sup> During the event, the prestigious Pravasi Bharatiya Samman Award is given by the President of India to an individual or organization led by an NRI or PIO that has made exceptional contributions to India. The date itself has significance, commemorating Mahatma Gandhi's return from South Africa (diaspora) to Bombay (homeland) on 9 January 1915.

### ***Cultural and educational engagement***

Another set of successful initiatives can be found in the cultural and educational field. In this regard, the government has a two-pronged approach that is designed to promote cultural identity and educational opportunities for diaspora youth to reconnect with India. For example, the **Scholarship Programme for Diaspora Children**<sup>135</sup> provides NRI and PIO students residing in 69 selected countries with yearly scholarships to Indian higher education programmes. It has the dual objective of promoting India as a centre for higher studies and at the same time, allowing diaspora youth to reconnect with their roots and access educational opportunities in India. The programme offers scholarships for bachelor-level courses in engineering, technology, humanities, liberal arts, commerce, management, journalism, hospitality management, agriculture, animal husbandry among others. Under the scheme, 150 students are awarded scholarships up to 4000 USD per annum.

Another key initiative is the **Know India Programme**.<sup>136</sup> This is a three-week orientation programme that brings diaspora youth aged between 18 and 26 to India in order to strengthen their ties with the ancestral homeland and promote their awareness of different facets of life in India and the progress made by the country in various fields. The participants of the programme are selected through Indian missions abroad and 90 percent of the costs of the trip are covered. Another initiative of the government is the **Tracing the Roots**<sup>137</sup> programme, which assists persons of Indian origin to trace their roots in India with a view to strengthening their connections to India.

133 The Economic Times. Expert Take: All your questions about the recent OCI changes, answered. Apr 16, 2021. Retrieved from: [https://economictimes.indiatimes.com/nri/migrate/expert-take-all-your-questions-about-the-recent-oci-changes-answered-/articleshow/82059519.cms?utm\\_source=contentofinterest&utm\\_medium=text&utm\\_campaign=cppst](https://economictimes.indiatimes.com/nri/migrate/expert-take-all-your-questions-about-the-recent-oci-changes-answered-/articleshow/82059519.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst)

134 Pravasi Bhartiya Divas <https://pbdindia.gov.in/en/about-us>

135 Scholarship Programme for Diaspora Children, MEA Website: <https://mea.gov.in/spdc.htm#:~:text=Scholarship%20Programme%20for%20Diaspora%20Children,and%20promote%20India%20as%20a>

136 See Know India Programme website: <https://kip.gov.in/>

137 See Tracing the Roots Program, MEA website: <https://mea.gov.in/tracing-the-roots.htm>

### *Social protection and welfare of migrant workers*

The government also demonstrated a commitment to the *social protection and welfare of Indian workers abroad* through several initiatives. For example, **Pravasi Bharatiya Bima Yojana**<sup>138</sup> is a compulsory insurance scheme for overseas Indian workers in Emigration Check Required (ECR) countries.<sup>138</sup> The **Indian Community Welfare Fund**<sup>139</sup> is another programme that is intended to provide emergency assistance to vulnerable migrants abroad.<sup>140</sup> The main beneficiaries of the fund are stranded migrants, women abandoned or abused by their foreign or Indian spouses, victims of accidents or cases of labour abuse, runaway domestic workers and those who are kept in detention or jails due to petty crimes or false accusations by their employers. The types of assistance provided through the funding include provision of housing, emergency medical care, emergency travel/repatriation, legal assistance and financial assistance for repatriation of deceased Indian nationals. The Indian Government also signed bilateral agreements on labour protection cooperation and on social security cooperation to ensure protection of migrant workers' interests.

## 3.4. Conclusions and lessons learned

Contemporary and historical population movements from India have created a highly differentiated and heterogeneous population of (ethnic) Indians abroad. According to the figures of the Indian Ministry of External Affairs (MEA), there are currently more than 30 million Indians living abroad, including 13.4 non-resident Indians (NRIs) and 18.8 million persons of Indian origin (PIOs). According to the Indian state, NRIs refer to overseas Indians who still have Indian citizenship, whether born in India or not. PIOs, on the other hand, consist of those who acquired citizenship of another country but have Indian ancestry of up to four generations. One of the key initiatives of the Indian Government is the Overseas Citizenship of India (OCI) scheme, which serves as an alternative form of citizenship for PIOs. The OCI card allows PIOs to enjoy similar rights to NRIs in terms of access to economic, financial, and educational opportunities, with some exceptions.<sup>141</sup> In this regard, the introduction of the "Overseas Citizenship of India (OCI)" scheme can be considered as a key step to strengthening the connections of historical diaspora communities.

As summarized, India has taken concrete steps in formalizing its relationship with the diaspora through the development of legislative tools and building a comprehensive institutional capacity. India does not have a singular and discrete diaspora law, but a comprehensive diaspora policy is diffused across different government bodies at different levels. Despite the proven success record of India in mobilizing resources from and extending rights and services to its diaspora, more remains to be done to translate these into a concrete policy framework for more coordinated and inclusive engagement. Some lessons

138 As per the Emigration Act, 1983, migrant workers are required to obtain "Emigration Clearance" from the office of Protector of Emigrants (POE) to work in the following 18 countries: Afghanistan, Bahrain, Indonesia, Iraq, Jordan, Kingdom of Saudi Arabia, Kuwait, Lebanon, Libya, Malaysia, Oman, Qatar, South Sudan, Sudan, Syria, Thailand, UAE, and Yemen.

139 See Indian Community Welfare Fund (ICWF) <https://www.mea.gov.in/icwf.htm>

140 Naujoks, D. (2020).

141 Kuschminder, K., & Hercog, M. (2011)

that can be derived from India's experience for engagement strategies are as follows:

- Diaspora policies:** In general, different rules and policies exist for different diaspora groups, that is, ethnic Indians, non-resident citizens and Indian communities in developed countries and migrant workers in countries in the Gulf.<sup>142</sup> While some of the tailored policies and programmes are essential because of the specific circumstances of each group, some can be problematic. For example, the OCI scheme that serves as an alternative to dual citizenship, is only extended to residents in selected developed countries and the right to OCI is denied to ethnic Indians in less developed countries.<sup>143</sup> Extending this critical right to just a selected group of countries illustrates a failure to recognize and cater to all parts of the diaspora in an equitable manner, which may cause resentment and jeopardize trust in the government. While the legislative framework of the OCI scheme is well-developed and mainstreamed across different legislative instruments within different government institutions, whether it represents a good example in terms of an equitable and inclusive legal framework is questionable.
- Implementation of diaspora policies:** In his comprehensive review of diaspora policies and social protection of Indian citizens abroad, Naujoks (2020) praises the political commitment by India to adopt proactive policies, but stresses that several policies exist more on paper or are implemented at a low scale due to limited resources of a developing country.<sup>144</sup> This may be a result of formulating policies based on broad objectives which makes their direct implementation difficult. The implementation of a strategy or action plan requires breaking down the objectives of the strategy to a level that allows for its direct implementation and evaluation of its success or failure.<sup>145</sup>

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142 Ibid.

143 Agunias, D. R. & Newland, K. (2012). *Developing a Road Map for Engaging Diasporas in Development. A Handbook for Policymakers and Practitioners in Home and Host Countries.* International Organisation for Migration.

144 Naujoks, D. (2020)

145 Noack, M, Hofmann, M, Hosner, R (2015). *Practices of developing a national migration strategy in selected European countries.* International Centre for Migration Policy Development (ICMPD), Vienna, 2015.

## 4. Country Case Study: IRELAND

### 4.1. Migration patterns and history

#### 4.1.1. Emigration history

Ireland has a long history of significant emigration. In the mid-19th century, Ireland was devastated by the Great Famine (1845 - 1852), a period of mass starvation and disease which resulted in the death of one million people and led to the forced displacement of approximately two million people.<sup>146 147</sup> The movement of large numbers of people from Ireland mainly towards other parts of the British Empire and the United States continued until the early 20th century, which resulted in a dramatic decline in the population of Ireland from 8.2 million in 1841 to 4.4 million in 1911.<sup>148</sup> The traumatic event of the famine led to Cohen's (1997) classification of the Irish diaspora as one of the five 'victim diasporas' next to the Palestinian, Armenian, African and Jewish diasporas.<sup>149</sup>

In 1922, Ireland was divided into what later became the Republic of Ireland, covering a large territory in the south, and Northern Ireland, one-sixth of the island's territory, which remained within the United Kingdom after the partition.<sup>150</sup> The volume of emigration remained high during the 20th century, with an additional two million people leaving the island of Ireland between the early 1920s and the end of the century.<sup>151</sup>

During the period between the 1920s and the 1980s, many people moved away from rural areas mainly for economic reasons, to fill the demand for unskilled labour in Britain that followed the economic

146 Hickman M.J. (2020) Diaspora Policies, Consular Services and Social Protection for Irish Citizens Abroad. In: Lafleur JM., Vintila D. (eds) Migration and Social Protection in Europe and Beyond (Volume 2). IMISCOE Research Series. Springer, Cham.

147 Sadliwala, B. & de Waal, A. (2018). The Emerging Crisis: Is Famine Returning as a Major Driver of Migration?. Migration Policy Institute (MPI). Retrieved from: <https://www.migrationpolicy.org/article/emerging-crisis-famine-returning-major-driver-migration>

148 O'Rourke, K. (1995). Emigration and living standards in Ireland since the Famine. *J Popul Econ* (1995) 8:407-421.

149 Cohen, R. (1997). Global Diasporas: An Introduction. *International Migration Review*. 32. 10.2307/2547774.

150 The scope of this paper is limited to the contemporary state of the Republic of Ireland. The history of emigration from Northern Ireland is therefore not part of this review. However, it should be noted that the historical Irish diaspora originates from the whole of the island of Ireland, including Northern Ireland.

151 Delaney, E. (2002). *Irish emigration since 1921*. (Studies in Irish Economic and Social History; No. 8). Economic and Social History Society of Ireland.

downturn caused by the Great Depression in the 1930s. The Second World War led to additional waves of emigration towards Britain due to the high demand for unskilled labour after many British men left to join the British armed forces.<sup>152</sup> While the US has historically been a major destination country for Irish emigrants, the strict migration quotas imposed by the US Government in the 1920s stemmed the exodus of people from Ireland to the US, making Britain the most popular destination for Irish emigrants.<sup>153</sup> The 1940s were characterized by increasing levels of female migration, which was so concerning to the Irish Government that it considered the possibility of banning female migration.<sup>154</sup> In fact, female migration has historically been a significant component of emigration trends from Ireland and in most decades, female emigrants outnumbered males.<sup>155</sup> The most commonly cited reasons for Irish women's migration from the years of the Great Famine until the 1980s are limited employment prospects in the patriarchally ordered society, and limited participation in social life due to the traditional gender roles imposed on women (Walter, 1989).<sup>156</sup> The emigration rate was particularly high in the 1950s, but was lower in the 1970s when immigration outnumbered emigration, before rising again in the 1980s.<sup>157</sup> Scholars note that over the subsequent 100 years, the dispersal of the population caused by the Great Famine served as a magnetic power to pull more people to emigrate from Ireland. This exodus gradually led to a boost in living standards in Ireland as it led to lower unemployment rates and improved economic conditions in the country.<sup>158</sup>

By the mid-1990s, emigration rates had significantly dropped as a result of high economic growth experienced from the early 1990s until the global economic recession of 2007-08.<sup>159</sup> Ireland became a net immigration country in 1996, as the last country to join the club of other European countries (EU) (Ruhs & Quinn, 2019). In addition to large waves of Irish nationals and labour migrants returning to Ireland, since the early 2000s, the number of asylum applications has increased dramatically. However, the economic depression and the subsequent rise in unemployment after 2007 induced new waves of emigration, with people moving away out of economic necessity and for work-related reasons.<sup>160</sup> The numbers have been decreasing since the 2010s, with fewer and fewer people leaving every year, but emigration remains a significant reality in the Irish context due to the huge emigrant population abroad. The following section provides an overview of the current emigrant population of Ireland based on the most recent data.

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152 Delaney, E. (1998). State, politics and demography: The case of Irish emigration, 1921–71, *Irish Political Studies*, 13:1, 25-49.

153 Glynn, I., Kelly, T. and MacÉinrí, P. (2013). *Irish Emigration in an Age of Austerity*. The Irish Research Council Hosting Institutions: Department of Geography and the Institute for the Social Sciences in the 21st Century, University College Cork

154 Ibid.

155 King, R. and O'Connor, H. (1996). Migration and gender: Irish women in Leicester. *Geography*, October 1996, Vol. 81, No. 4, pp. 311-325.

156 Ibid.

157 O'Rourke, K. (1995).

158 Ibid.

159 Glynn, I., Kelly, T. and MacÉinrí, P. (2013)

160 Ibid.

#### 4.1.2. Size and characteristics of the Irish(-origin) population abroad

It is difficult to be precise about the size of the Irish (-origin) population abroad, but different sources estimate numbers of between 70 to 80 million people with Irish ancestry in addition to more than 730,000 emigrants born in Ireland residing across the world.<sup>161 162</sup> According to the Department of Foreign Affairs and Trade, there are 3.8 million Irish citizens abroad, with half of them living in Northern Ireland.<sup>163</sup> The greatest verifiable number of ethnic Irish people is to be found in the United States with 35 million, with another 4.5 million in Canada, accounting for half of the total population with Irish heritage worldwide (US Census Bureau, 2010; Department of Foreign Affairs and Trade, 2015). The largest communities of contemporary Irish emigrants can be found in the United Kingdom (442,796), followed by the US (122,529), Australia (92,077) and Canada (30,167).<sup>164</sup> According to the Central Statistics Office of Ireland (2018), the annual number of Ireland-born emigrants has been decreasing since the 2010s, from 81,000 in 2013 to 56,000 in 2018. Despite the decreasing trend, the UK remained the single most popular destination country for the Irish, while the number of people moving to EU15 countries somewhat increased from 10,500 in 2013 to 12,300 in 2018.

**Table 4. Emigration from Ireland by country of destination, 2013-2018**

'000 persons

Year	2013	2014	2015	2016	2017	2018
<b>Emigrants</b>						
<b>United Kingdom</b>	20.0	16.4	16.6	14.4	12.1	11.4
<b>Rest of EU 15</b>	10.5	14.8	13.3	13.9	12.9	12.3
<b>EU 13</b>	13.0	8.0	5.9	9.3	9.7	6.5
<b>United States</b>	14.1	9.2	6.5	5.3	5.3	4.5
<b>Australia</b>	5.7	6.3	5.1	5.7	6.5	5.8
<b>Canada</b>	4.9	4.3	6.6	3.4	3.7	3.9
<b>Other countries</b>	13.2	16.0	15.9	14.2	14.6	11.9
<b>Total persons</b>	81.3	75.0	70.0	66.2	64.8	56.3

Source: CSO Population and Migration Estimates

161 UNDESA 2020 International Migrant Stock <https://www.un.org/development/desa/pd/content/international-migrant-stock>

162 European Union Global Diaspora Facility. Diaspora Engagement Map. Ireland. <https://diasporaforddevelopment.eu/>

163 Hickman M.J. (2020)

164 UNDESA 2020 International Migrant Stock <https://www.un.org/development/desa/pd/content/international-migrant-stock>

### 4.1.3. Diaspora-state relations

The Irish state made limited efforts to engage with its diaspora until the 1980s. An important early step in this regard was taken in 1984, with the establishment of the Dion committee, currently known as the **Emigrant Services Advisory Committee (ESAC)**, to advise the government on issues of concern regarding the welfare needs of emigrants in Britain.<sup>165</sup> Prior to this date, the government's only tangible effort was a report dated 1955 released by the Commission on Emigration and Other Population Problems, describing the emigration trends and major motives for emigration.<sup>166</sup>

In the 1990s, the diaspora was increasingly acknowledged as an important constituency of the Irish nation. Former president of Ireland, Mary Robinson is known to be the first leader to embrace the diaspora and popularize the notion of 'Irish people' unbounded by the territory of Ireland.<sup>167</sup> According to Kenny (2019), from the 1980s onwards, state-diaspora relations has seen two distinct and somewhat overlapping phases.<sup>168</sup>

The *first phase* covering the period from the 1980s through to 1998 is characterized by active associational engagement of the Irish diaspora, in particular the Irish-American diaspora, with the conflict in Northern Ireland. At the heart of the conflict in Northern Ireland lay a political and cultural identity conflict, with two ethno-national blocs representing different claims over national belonging; one side demanding British nationality and the other claiming Irishness, the latter seeking the withdrawal of British control from the island and re-joining the rest of Ireland.<sup>169</sup> During the period of conflict and the subsequent peace process, the Irish diaspora took on various roles, ranging from financial support to paramilitary groups, to aiding families of Republican prisoners and lobbying US politicians to bring the US to the table as mediator. It is acknowledged that Irish-Americans played an enabling role in reaching a political settlement between the two conflicting parties in the years that followed the Good Friday (Belfast) agreement.<sup>170</sup> The Irish state at the time led by President Robinson, also realized the significant role that the diaspora could play in the peacebuilding process in Northern Ireland and made special efforts to mobilize the Irish-American diaspora.<sup>171</sup>

The *second* and somewhat overlapping *phase* from 1995 to the present day is the period that has involved both the substantial peak and dramatic fall of the economy before and after the recession of 2007-08.<sup>172</sup> During the years of high economic growth, the Irish diaspora experienced its golden years, with an increasing academic interest in Irishness. This was illustrated by the opening of many

165 Hickman M.J. (2020)

166 Ibid.

167 Gray, B. (2012). Irish State Diaspora Engagement—"The Network State" and "Netizens". *Éire-Ireland*. 47. 10.1353/eir.2012.0002.

168 Kenny, K. (2019). Two Diasporic Moments in Irish Emigration History: The Famine Generation and the Contemporary Era. *A Journal of Irish Studies*, n. 9 (2019), pp. 43- 65

169 Cochrane, F., Baser, B. & Swain, A. (2009) Home Thoughts from Abroad: Diasporas and Peace-Building in Northern Ireland and Sri Lanka, *Studies in Conflict & Terrorism*, 32:8, 681-704.

170 Ibid.

171 Gray, B. (2012)

172 Kenny, K. (2019)

programmes and centres that explored themes of migration and diaspora in the Irish context and unprecedented global attention on Irish dance and music in different parts of the world.<sup>173</sup> This can be seen as a period when the cultural resources of the Irish people were displayed on the global stage, contributing to the strengthening of the symbolic inclusion of the diaspora in the Irish nation. Then the focus substantially shifted when the world was hit by the economic crisis of 2008. At the time, the Irish state actively sought the support of influential Irish businesspeople to contribute to Ireland's economic recovery and development.<sup>174</sup> Such efforts were then formalized through the establishment of a number of fora, including the Global Irish Forum (2009), the Global Irish Network (2010) and the Global Irish Civic Forum (2015), in order to consult the Irish diaspora and harness their contributions.<sup>175</sup> <sup>176</sup> There were several other efforts by the government to mobilize resources from its diaspora, such as the flagship tourism initiative that declared 2013 as the year of "the Gathering" with the aim of attracting Irish people from the diaspora to Ireland to contribute to the cultural and economic recovery of the country.<sup>177</sup>

Overall, these two distinct and somewhat overlapping phases represent a shift from an emphasis on "high-level political and diplomatic cooperation during the peace process, to confident cultural assertion at the height of the economic boom, to hard-headed outreach efforts after the crash".<sup>178</sup>

## 4.2. Overview of the institutional and legal framework concerning diaspora engagement

The recognition of the Irish diaspora as an important constituency of the Irish nation was first reflected in the legal framework in the aftermath of the Good Friday Agreement. Following a referendum in 1998, the second article of the Constitution was amended to include an emphasis that recognizes Irish descendants as part of the nation, thus redefining Irish belonging based on ancestry.<sup>179</sup>

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173 Ibid.

174 Gray, B. (2012)

175 Ibid.

176 Hickman M.J. (2020)

177 Kenny, K. (2019)

178 Ibid.

179 Gray, B. (2012)

### Box 7. Nineteenth amendment of the constitution of Ireland, 1998

Deleted article:

Article 2. The national territory consists of the whole island of Ireland, its islands and the territorial seas.

Substituted by the following:

Article 2. It is the entitlement and birthright of every person born in the island of Ireland, which includes its islands and seas, to be part of the Irish nation. That is also the entitlement of all persons otherwise qualified in accordance with law to be citizens of Ireland. Furthermore, the Irish nation cherishes its special affinity with people of Irish ancestry living abroad who share its cultural identity and heritage.

This step can be viewed as providing the primary legal basis for the subsequent government initiatives in the realm of diaspora-state relations. What followed was the establishment of sub-ministerial government units and development of the necessary institutional infrastructure and guiding policy documents to systematically engage with the diaspora. In March 2015, the Irish Government released the first comprehensive guiding policy document detailing its diaspora policy in one document called **“Global Irish: Ireland’s diaspora policy”**.<sup>180</sup> In line with the amended Article 2 of the Constitution, the policy document places strong emphasis on a global community that encompasses Irish people both inside and outside Ireland.<sup>181</sup> According to this document, the Irish Government defines its diaspora as *“emigrants from Ireland and their descendants around the world and those with a tangible connection to Ireland”*. The following sections provide a brief overview of the actors, institutions and legislative framework that form the basis of government actions in relation to the Irish abroad.

#### 4.2.1. Actors and Institutions

Matters relating to Ireland’s diaspora are governed at the sub-ministry level within the mandate of the Department of Foreign Affairs and Trade (DFA). In 2015, the DFA released the first comprehensive document on the policy of the Irish state towards its diaspora under the name *“Global Irish: Ireland’s Diaspora Policy”*, which is discussed in detail in the following sections. One of the key initiatives introduced by the new diaspora policy was the establishment of an *Interdepartmental Committee on the Irish Abroad*.<sup>182</sup> The Inter-departmental Committee is chaired by the Minister of State for Overseas Development and Diaspora based in the DFA. The roles and responsibilities of these institutions and actors are described in the following:

180 Global Irish: Ireland’s diaspora policy. March 2015. Department of Foreign Affairs and Trade. <https://www.dfa.ie/media/globalirish/global-irish-irelands-diaspora-policy.pdf>

181 Hickman M.J. (2020)

182 Kenny, K. (2019)

**The Irish Abroad Unit (est. 2004)** is responsible for the management and coordination of Ireland’s flagship Emigrants Support Programme (ESP)<sup>183</sup>, which addresses the welfare needs of its emigrant population, in particular the elderly and other disadvantaged groups. The unit works in close coordination with Ireland’s embassies and consulates in the management of ESP. In total, there are 63 embassies, 10 consul generals, and 7 honorary consuls of the Republic of Ireland.<sup>184</sup>

**A Minister of State for Overseas Development and Diaspora (est. 2014)** was appointed for the first time in 2014 under the Department of Foreign Affairs and Trade (DFA). This is one of two ministerial posts assisting the Minister of Foreign Affairs, the other being responsible for European affairs. The role of the Minister is to chair the Interdepartmental Committee on the Irish Abroad, an initiative of the 2015 Global Irish Diaspora Policy. The minister is also responsible for facilitating communication with Irish people abroad and reporting to the government.

**The Interdepartmental Committee on the Irish Abroad** was one of the most important initiatives of the 2015 “Global Irish: Ireland’s Diaspora Policy”. The committee meets three times a year and is made up of members from 17 government departments as well as five external actors including Bord Bia (Irish Food Board), Enterprise Ireland, IDA Ireland, Science Foundation Ireland, Tourism Ireland. The objective of the committee is to identify the main issues concerning the Irish abroad and address these issues through the involvement of relevant departments and stakeholders participating in the committee. For example, one of the subjects discussed in the committee in a meeting dated 2017 was how to overcome the administrative barriers for returning emigrants. The Emigrant Support Programme led by the Irish Abroad Unit was asked to present their findings on this issue. The committee also reviews the implementation and outcomes of initiatives undertaken by the DFA within the framework of the Global Irish Diaspora Policy 2015.<sup>185</sup>

**Appointment of a diaspora member in the Senate (est. 2016)** In 2016, a US-based member of the Irish diaspora was appointed to the Senate for the first time and worked actively on emigration issues, particularly on the voting rights for 3.8 million Irish citizens living abroad.<sup>186</sup>

#### 4.2.2. Laws, legislation, regulations and measures

##### **Definition of diaspora**

The Irish Government does not provide a definition of diaspora in law, but the 2015 Global Irish Diaspora Policy states: *“The Irish diaspora comprises emigrants from Ireland and their descendants around the world and those with a tangible connection to Ireland. This is not static. The degree of awareness of Ireland among the diaspora may fluctuate from time to time. Some people may have the*

183 More information on ESP can be found at: <https://www.dfa.ie/global-irish/support-overseas/emigrant-support-programme/>

184 Hickman M.J. (2020)

185 Minister’s Brief, Quarterly meeting of Inter-departmental Committee on the Irish Abroad, 2017 <https://www.dfa.ie/media/dfa/alldfawebstemedial/newspress/publications/ministersbrief-june2017/3--FINAL-The-Interdepartmental-Committee-on-the-Irish-Abroad.pdf>

186 Hickman M.J. (2020)

*heritage, but neither the interest nor knowledge. Interest can be prompted by major external events, by changes in circumstance or by chance*". It is therefore clear that the Irish Government recognizes the dynamic nature of what this term encapsulates and defines the concept widely without drawing nonpermeable boundaries.

The Republic of Ireland did not introduce a legislative framework specifically designed to govern its relations with the Irish abroad. However, various legislative documents under the mandate of different departments as well as the Constitution, include articles that concern the Irish abroad. The key laws and legislation that apply to or have implications for the Irish abroad can be listed as follows:

### ***Citizenship right***

**According to the Irish Nationality and Citizenship Act 1956 (as amended), Section 7**, a person born abroad is automatically an Irish citizen if one of his/her parents was an Irish citizen at the time of his/her birth, and was born on the island of Ireland. If the parent is an Irish citizen but he/she was born outside Ireland, citizenship can be obtained through registration in the Foreign Births Register. If one of the grandparents was born in Ireland and has Irish citizenship, citizenship can be granted once registered in the Foreign Births Register.<sup>187</sup> This means that Irish citizenship can be passed down for three generations.

### ***Dual citizenship***

Irish citizens are allowed to hold their Irish citizenship in addition to a foreign citizenship. This is defined in the Irish Nationality and Citizenship Act 1956 (as amended) in Section 24.

#### **Box 9. Irish Nationality and Citizenship Act 1956 (as amended), Section 24.**

24.—No person shall be deemed ever to have lost Irish citizenship under section 21 of the Act of 1935 merely by operation of the law of another country whereby citizenship of that country is conferred on that person without any voluntary act on his part.

### ***Right to Vote***

Despite notable efforts in many other areas, the Irish Government does not allow non-resident Irish citizens to vote in presidential elections.<sup>188</sup> In 2019, the government proposed a bill to allow non-resident citizens to vote in the elections, and a referendum was planned for October of the same year. However, the referendum was delayed and could not be held. Article 14 (c) requires voters to be ordinarily resident in Ireland to be eligible to vote in presidential elections.

187 The Foreign Births Register is a system through which descendants of Irish citizens can claim Irish citizenship. If each generation registers their birth before the next generation is born, then Irish citizenship can be passed from parent to child. Section 27 mentioned in Box 7 refers to the requirement to register in the Foreign Births Register. <https://www.dfa.ie/citizenship/born-abroad/registering-a-foreign-birth/>

188 Glynn, I., Kelly, T. and MacÉinrí, P. (2015). *The Re-emergence of Emigration from Ireland: New Trends in An Old Story*. Washington, DC: Migration Policy Institute

**Box 10. Electoral Act 1992, Section 14**

14.—An elector shall be entered in the postal voters list if he is—

- (a) a member of the Garda Síochána who not later than the last day for making claims for registration applies to be so entered, or
- (b) a whole time member of the Defence Forces (as defined in *paragraph (b) of subsection (4) of section 11* ), or
- (c) a person who is deemed by virtue of *section 12* to be ordinarily resident in premises in the State on the qualifying date.

Source: <http://www.irishstatutebook.ie/eli/1992/act/23/section/14/enacted/en/html#sec14>

**Social Protection**

The flagship initiative of the Irish Government has been its Emigrant Support Programme (ESP) which has been in place since 1984. This programme allows non-resident Irish citizens to benefit from social assistance provided by the Republic of Ireland (see following section for programme details). The legislation that allows such assistance to non-residents is guided by the Habitual Residence Condition, which does not necessarily require the person to ordinarily reside in Ireland, but requires them to have the legal right to reside in Ireland.<sup>189</sup> The term “habitually resident” is not clearly defined in Irish law, but the Social Welfare and Pensions Act 2007 defines eligibility based on a case-by-case analysis of proven links to Ireland through evaluation of five factors defined in the law (See Box 10). The condition is more clearly defined in a comprehensive guide for citizens, the Citizens Information<sup>190</sup> website, which supports the provision of information, advice and advocacy on a broad range of public and social services.

189 Hickman M.J. (2020)

190 Citizens Information – Residence requirements for social assistance in Ireland [https://www.citizensinformation.ie/en/social\\_welfare/irish\\_social\\_welfare\\_system/social\\_assistance\\_payments/residency\\_requirements\\_for\\_social\\_assistance\\_in\\_ireland.html](https://www.citizensinformation.ie/en/social_welfare/irish_social_welfare_system/social_assistance_payments/residency_requirements_for_social_assistance_in_ireland.html)

**Box 11. Social Welfare and Pensions Act 2007, Section 30:**

(4) Notwithstanding the presumption in subsection (1), a deciding officer or the Executive, when determining whether a person is habitually resident in the State, shall take into consideration all the circumstances of the case including, in particular, the following:

1. The length and continuity of residence in the State or in any particular country
2. The length and purpose of any absence from the State
3. The nature and pattern of the person's employment
4. The person's main centre of interest
5. The future intentions of the person concerned as they appear from all the circumstances

Source: <http://www.irishstatutebook.ie/eli/2007/act/8/section/30/enacted/en/html#sec30>

### 4.3. Overview of diaspora engagement policies and practices

The first comprehensive policy document setting out the Irish Government's diaspora engagement strategy on paper was published in March 2015. The document referred to Ireland's diaspora policy as "Global Irish" and set out its vision as establishing "*a vibrant, diverse global Irish community, connected to Ireland and to each other*".<sup>191</sup> The core pillars of the policy and the main initiatives that fall under the specific pillars are as follows:

- **Supporting the diaspora:** With a primary focus on disadvantaged groups, the pillar formalizes the commitment of the Irish Government to supporting emigrants and non-governmental organisations working with Irish emigrants under the framework of the Emigrant Support Programme (ESP)
  - Key initiatives:
    - Emigrant Support Programme (ESP)
- **Connecting with the diaspora:** Adopting a whole of government approach and engaging different government departments in facilitating a two-way communication with Irish citizens abroad, promoting Irish cultural heritage and identity through organization of events and activities and removing administrative barriers for those wishing to return.
  - Key initiatives:
    - Interdepartmental Committee on the Irish Abroad (p. 7)
    - Organization of cultural events and celebration of national anniversaries or cultural heritage (e.g. St. Patrick's Day, Brigid's Day)

191 Global Irish: Ireland's Diaspora Policy (2015). MoS Jimmy Deenihan, Irish Abroad Publications, Ireland, 2015.

- **Facilitating diaspora engagement:** Crafting more partnerships with and building capacities of the large and diverse Irish civil society in the diaspora, strengthening existing networks and supporting the development of new diasporic networks, supporting diaspora studies in the Irish context.
  - Key initiatives:
    - The Global Irish Network
    - The Global Irish Economic Forum
- **Recognizing the diaspora:** commitment to continue to recognize and honour members of the diaspora through concrete initiatives.
  - Key initiatives:
    - Presidential Distinguished Service Awards for the Irish Abroad, which is awarded to influential Irish people living abroad who provided exceptional services to Irish citizens at home or abroad. The winners earn a symbolic award in the shape of a wooden gate that is an allegory of the hospitality of the Irish and Ireland. It does not provide any legal rights or entitlements.
    - Certificate of Irish Heritage, available for purchase by Irish descendants who do not qualify for citizenship.
    - Centenarian Bounty, an award for every Irish citizen who reaches the age of 100.
- **Evolving Diaspora Policy:** the last pillar pertains to updating priorities in line with the changing geographies and demographics of the Irish abroad and shows commitment to flexibility and adaptability
  - Key priorities:
    - Identify emerging diaspora communities
    - Connect with alumni networks abroad

In 2017, the Irish Abroad Unit under the Department of Foreign Affairs and Trade published a Review of Implementation of Global Irish – Ireland’s Diaspora Policy, which sets out the achievements, challenges and emerging priorities since the Diaspora Policy was published in March 2015.

In 2020, 5 years after the articulation of its targeted diaspora policy, the government drafted a five-year strategy document, “**Global Ireland: Ireland’s Diaspora Strategy 2020–2025**”<sup>192</sup>, setting out the roadmap for the implementation of its diaspora policy during the next five years. The document establishes the vision and strategy of the Republic of Ireland under five thematic areas that are in line with the priorities defined in the diaspora policy:

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192 Global Ireland: Ireland’s Diaspora Strategy 2020–2025 <https://www.dfa.ie/media/globalirish/Diaspora-Strategy-2020-English.pdf>

1. **Our people**, ensuring the welfare of the Irish abroad, in line with the first pillar of the diaspora policy “Supporting the diaspora”
2. **Our values**, stressing continuous recognition of the presence and contributions of the diaspora and promoting inclusion of underrepresented and marginalized groups, in line with the fourth pillar “Recognizing the diaspora”
3. **Our prosperity**, aiming to build and strengthen economic and civic ties, in line with the third pillar of the diaspora policy “Facilitating diaspora engagement”
4. **Our culture**, promoting cultural expression, identity and heritage, in line with the second pillar of the diaspora policy “Connecting with the diaspora ”
5. **Our influence**, defining planned efforts to connect with the next generation, in line with the commitment to adaptability as part of the fifth pillar “Evolving diaspora policy”

The strategy document provides clearly defined guiding principles and action points under each theme, which are developed in consultation with individuals and organizations both inside and outside Ireland.

### Box 12. Main features of diaspora policy and strategy documents

Both the Global Irish: Ireland’s Diaspora Policy 2015 and Global Ireland: Ireland’s Diaspora Strategy 2020–2025 are written in plain English and are well-designed, making them very accessible to the reader. The documents are enriched by stories of emigrants, and images from different activities carried out by Irish emigrants are inserted at various points, all of which offer a different emotional experience from the one normally expected from a policy and strategy paper. The picture on the cover of the 2020 strategy document is of the lamp at Áras an Uachtaráin, a symbolic beacon, lighting the way for Irish emigrants and their descendants, welcoming them to their homeland. Quotes from key figures on the importance of diaspora relations are included, strengthening the symbolic inclusion. For example, the diaspora strategy document of 2020 begins with the following quote from President Michael D. Higgins:

*“Our diaspora is one of Ireland’s greatest resources: through the contribution our people make to the nations they migrate to; through the bonds they forge with the peoples of those countries, our migrants have allowed Ireland to have global connections far beyond our size.”*

These policy documents reflect the Irish Government’s general discourse towards its diaspora and serve as proof of the Irish Government’s commitment to symbolic nation-building i.e. the formation and maintenance of an imagined transnational community based around a common identity towards which policies can be directed (Gamlen, 2006).

### 4.3.1. Best Practices

The Irish Government engages with its diaspora on a broad range of areas, and has launched many different initiatives that have achieved successful results. Some of the initiatives that could provide useful ideas for the purposes of this study are as follows:

#### **Emigrant Support Programme (ESP)**

Ireland's Emigrant Support Programme (ESP) is a very good example of best practice in extending social services to emigrant populations. The programme was initially set up in 1984 to address the needs of the ageing Irish population that had migrated to Britain in the 1950s. Later on, it expanded to include other countries where Irish communities reside. While the current focus is on the needs of all disadvantaged groups, the strong emphasis on the welfare of the elderly remains. The idea behind the welfare component of the ESP is to pay off the debt owed to those who were forced to leave the country during less prosperous times.<sup>193</sup> In addition, the ESP also funds cultural projects to promote a collective cultural identity and a sense of belonging to Ireland in the diaspora communities.<sup>194</sup>

The programme is coordinated by the Irish Abroad Unit (IAU) under the DTA, in collaboration with embassies and consulates in countries of residence. The IAU receives funding from the state and provides grants to civil society organizations including grassroots, voluntary groups and large-scale civil society organizations to support their programmes in relevant thematic areas. Between 2004 and 2014, the ESP provided grants totalling over €126 million to 470 organizations based in more than 30 countries.<sup>195</sup> As articulated in the 2015 diaspora policy document, the main objectives of the funding are as follows:

- *Address the diverse and evolving needs of Irish emigrants, especially the elderly, disadvantaged and vulnerable;*
- *Facilitate access to statutory and voluntary services in their country of residence for Irish emigrants;*
- *Foster a more vibrant sense of community and of Irish identity;*
- *Further the outcomes of the Global Irish Economic Forum;*
- *Support business networks to connect Irish people to each other at home and abroad;*
- *Research and define the emerging needs of Irish communities abroad;*
- *Support development of new ways to communicate and connect with the increasingly diverse global Irish, including non-traditional diasporas;*
- *Improve awareness and understanding of the emigrant and diaspora experience.*

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193 Gray, B. (2012)

194 Ibid.

195 Global Irish: Ireland's Diaspora Policy (2015). MoS Jimmy Deenihan, Irish Abroad Publications, Ireland, 2015.

## Creating networks and organizing business events

In response to the economic downturn in 2008, the Department of Foreign Affairs and Trade established several fora to incentivize economic and touristic involvement of the diaspora. For example, the **Global Irish Economic Forum (GIEF)** was a key initiative that was first held in 2009 to explore how to facilitate strategic engagement of the diaspora and strengthen links between the Irish abroad and those at home, particularly in the economic sector.<sup>196</sup> Although the initial plan was to organize the forum every two years, the last meeting took place in November 2015 and attracted more than 300 people of influence from almost 40 countries.<sup>197</sup> On the DFA's website, the forum is described as *"one element in Ireland's economic recovery, generating job-creating initiatives, helping to restore our international reputation and strengthening our links with influential members of the diaspora."*<sup>198</sup>

A direct outcome of the first GIEF was the creation of a **Global Irish Network (GIN) (2010)**, which is currently host to an impressive membership with more than 350 high level Irish and Irish-affiliated individuals with a strong business connection in different parts of the world.<sup>199</sup> The members of GIN are usually selected on the basis of recommendations of embassies and consulates. The network has an advisory committee appointed by the DFA who are responsible for coordinating the network's programme, reviewing the implementation of GIEF outcomes and ensuring communication of key developments with the wider network.<sup>200</sup> The main objectives of GIN, as articulated in the 2015 diaspora policy, are as follows:

- *to provide a platform to assist the Government and State agencies to promote Ireland's economic, cultural and tourism messages in key markets;*
- *to provide a forum through which successful Irish business and cultural figures abroad can interact with each other, exchange views and be kept informed of key developments in Government policy*
- *to provide a forum through which members can put forward proposals and implement practical initiatives.*

The **Global Irish Civic Forum (GICF)** is another forum created by the DFA to facilitate dialogue between civil society organizations (or diaspora organizations) that work with Irish communities in different countries of residence, discuss challenges facing Irish citizens abroad and learn from each other's experiences. The participating diaspora organizations are often the recipients of ESP funding, but another objective of the forum was to reach beyond ESP-funded organizations by bringing them all together.<sup>201</sup> The first forum was held in 2015 and saw the attendance of more than 140 diaspora organizations working with Irish communities.<sup>202</sup> The ESP-funded organizations were prohibited from

196 Hickman M.J. (2020)

197 Global Irish Economic Forum, held in Dublin, 2015. <https://www.dfa.ie/our-role-policies/our-work/casestudiesarchive/2015/november/global-irish-economic-forum-2015/>

198 <https://www.dfa.ie/our-role-policies/our-work/casestudiesarchive/2015/november/global-irish-economic-forum-2015/>

199 Glynn, I., Kelly, T. and MacÉinrí, P. (2015)

200 Hickman M.J. (2020)

201 Global Irish: Ireland's Diaspora Policy (2015). MoS Jimmy Deenihan, Irish Abroad Publications, Ireland, 2015

202 Hickman M.J. (2020)

using ESP funding to travel to the forum.<sup>203</sup> The second GICF was organized in 2017 and attended by more than 150 organizations represented by 220 individuals<sup>204</sup>. The forum included panel discussions, workshops and networking events.<sup>205</sup>

### **Diaspora Tourism: “The Gathering”**

Another key recommendation from the first Global Irish Economic Forum (GIEF) in 2009 that was taken up was one to promote diaspora tourism. 2013 was declared the year of “The Gathering”. People from the Irish diaspora around the world were invited to Ireland to participate in more than 5000 special events organized by individuals, communities and NGOs through targeted funding provided by the government.<sup>206 207</sup> The objective was to encourage members of the diaspora to visit Ireland, strengthen their connections with the country and harness their potential contributions to economic and cultural recovery in the aftermath of the economic crisis. The initiative was supported by Fáilte Ireland (National Tourism Development Authority) and Tourism Ireland, and led by the government.<sup>208</sup>

The government considered the year-long tourist event a success as it generated revenue of €170 million by bringing over to Ireland at least 250,000 to 275,000 tourists.<sup>209</sup> The Fina Gael political party in Ireland proposed repeating the event in 2023 to mark the 10th anniversary of The Gathering.<sup>210</sup>

## **4.4. Conclusions and lessons learned**

The emigration history of Ireland dates back to the mid 19<sup>th</sup> century when approximately 2 million people fled the country that had been devastated by the Great Famine. Significant waves of emigration continued during the 19<sup>th</sup> and 20<sup>th</sup> centuries, with figures for emigration consistently outnumbering those for immigration until 1996. It is estimated that across the world, there are 70 to 80 million people with Irish ancestry in addition to more than 730,000 Ireland-born emigrants. Contemporary and historical population movements from Ireland have created a multi-layered population of (ethnic) Irish abroad.

The Irish Government’s commitment to engage with its diaspora dates back to the 1990s when former president Mary Robinson realized the significant role that the diaspora played in the peacebuilding process in Northern Ireland and made special efforts to mobilize Irish-Americans. The recognition of the Irish diaspora as an important constituency of the Irish nation was subsequently reflected in the legal framework. The second article of the Constitution was amended to include an emphasis on

203 Ibid.

204 Global Irish Civic Forum (GICF) 2017 <https://www.dfa.ie/global-irish/support-overseas/global-irish-civic-forum/>

205 Global Irish Civic Forum (GICF) 2017 - Detailed Programme of Events <https://www.dfa.ie/media/globalirish/civicforum/Global-Irish-Civic-Forum-Detailed-Programme-ver280417.pdf>

206 Global Irish: Ireland’s Diaspora Policy (2015). MoS Jimmy Deenihan, Irish Abroad Publications, Ireland, 2015

207 Hickman M.J. (2020)

208 Ibid.

209 FG proposed a ‘year of the invitation’ in 2023 to mark the tenth anniversary of The Gathering <https://www.newstalk.com/news/fg-proposes-year-invitation-2023-mark-anniversary-gathering-956154>

210 Ibid.

recognizing Irish descendants as part of the nation, thus redefining Irish belonging based on ancestry. The Irish case represents a rare example of a state taking steps to introduce legislation that officially recognizes members of the diaspora and emigrants through constitutional amendment.

One of the key initiatives of the Irish Government has been its Emigrant Support Programme (ESP) which has been in place since 1984. This programme allows non-resident Irish citizens to benefit from social assistance provided by the Republic of Ireland. The legislation that allows such assistance to non-residents is guided by the Habitual Residence Condition, which does not necessarily require the person to ordinarily reside in Ireland, but requires them to have the legal right to reside in Ireland.<sup>61</sup> The term “*habitually resident*” is not clearly defined in Irish Law, but the Social Welfare and Pensions Act 2007 defines eligibility based on a case-by-case analysis of proven links to Ireland through evaluation of five factors defined in the law. In 2015, the Irish Government took concrete steps to formalize its relationship with the diaspora through the development of a comprehensive diaspora policy.

In summary, while there is no singular and discrete diaspora law that is specifically designed to govern Ireland’s relations with the Irish abroad, the Irish Government has formalized its diaspora relations through constitutional amendment to recognize the diaspora, legislative tools to extend services to the diaspora through the Emigrant Support Programme and a comprehensive diaspora policy of 2015 (Global Irish) developed at the ministry level to strengthen connections with the sizeable Irish diaspora. The country’s pattern of engagement demonstrates a good balance between the services provided to emigrants (e.g. ESP) with the expectations/obligations of members of the diaspora (e.g. business networks, tourism initiatives). The practices of the government, however, are not free from criticism. The fact that the government substantially increased efforts to engage the diaspora after the economic downturn of 2008, created a perception among some that the state sees its diaspora as a resource to be tapped in pursuit of national interests and only recognizes it when their contributions are needed. In particular, after the organization of the tourism initiative “The Gathering”, some well known figures, including the Irish actor and cultural ambassador Gabriel Byrne, expressed criticism of the year-long event as being a money trap for wealthy Irish people abroad.<sup>211</sup>

A similar criticism was raised with regard to the launch of the quasi-citizenship scheme “Certificate of Irish Heritage”, a practice that worked very well in the case of India, Pakistan and Poland.<sup>212</sup> The certificate was designed with the aim of providing some form of privileged status to the descendants of Irish people who do not qualify for Irish citizenship. Despite the publicity created by awarding certificates to well-known figures such as Bill Clinton, Barack Obama and Tom Cruise, the scheme was not a success with only three thousand certificates sold from 2011 to 2015.<sup>213</sup> The paper certificate cost €40 for a piece of paper and €120 with a frame.<sup>214</sup> The scheme failed to meet the expectations of the historical diaspora communities and was criticized for “reducing Irish identity to a utility function and

211 The Gathering: why does Gabriel Byrne call Ireland’s tourist initiative a ‘scam’?  
<https://www.theguardian.com/travel/shortcuts/2013/jan/15/gathering-gabriel-byrne-ireland-tourism-scam>

212 Aikins, K. & White, N. (2011)

213 Kenny, K. (2019). 5

214 Ibid.

commodity”.<sup>215</sup> In 2015, the DFA issued a press release to announce the discontinuation of the scheme, stressing that the purpose of the initiative was not to raise revenue for the state.<sup>216</sup> This experience demonstrates that in formulating programmes and initiatives, it is essential to ensure a good balance between what is offered to and what is expected from the diaspora and convey this message in a detailed and transparent manner in order to avoid misconceptions. Developing legislative tools may help overcome such concerns on the side of the diaspora, especially in diaspora contexts with low levels of trust towards the government of the country of origin.

Another controversial subject is the voting rights of non-resident citizens. Despite notable efforts in many different areas, the Irish Government does not allow non-resident Irish citizens to vote in presidential elections.<sup>217</sup> The controversy became heated when the government cancelled a session on voting rights of emigrants that was planned to take place during the 2015 Global Irish Civic Forum.<sup>218</sup> In 2019, the government proposed a bill to allow non-resident citizens to vote in the elections, and a referendum was planned for October of the same year. However, the referendum was delayed and could not be held. In the 2020 diaspora engagement strategy document, the government promised to hold the referendum in the next five-year period, as stated below:

*“Participation of overseas citizens in our democracy*

*Greater engagement of our citizens outside the State in our democracy will strengthen the connection between the diaspora and Ireland. Diaspora participation in presidential elections will strengthen the connection between the Presidency, the highest office in the State, and the diaspora.*

*We will:*

*Hold a referendum on extending the franchise in presidential elections to citizens resident outside the State.”*

Despite the delay, it is an important step that this statement is included in a strategy document in a way that recognizes and legitimizes the demands for the right to vote of non-resident Irish people.

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215 Gray, B. (2012)

216 Press release by DFA, 2015, Certificate of Irish Heritage Scheme discontinued. <https://www.dfa.ie/news-and-media/press-releases/press-release-archive/2015/august/certs-of-irish-heritage-scheme-discontinued/>

217 Glynn, I., Kelly, T. and MacÉinrí, P. (2015).

218 Hickman M.J. (2020)

# 5. Country Case Study: ITALY

## 5.1. Migration patterns and history

### 5.1.1. Emigration history

Italy has experienced a long history of emigration, with estimates suggesting that between the 1860s and 1970s, over 26 million Italians migrated abroad due to economic and political reasons.<sup>219</sup> The emigration history can be broadly divided into the following three phases:

- 1876-1915: An agricultural crisis and the slow and uncoordinated industrialization process led to a surplus workforce and widespread poverty, increasing the emigration of Italians mainly from northern Italy to Europe and South America in search of economic opportunities abroad. At the beginning of the 20<sup>th</sup> century, the United States became the major country of destination, with 40 percent of Italian emigrants opting for this destination during 1901 and 1914.<sup>220 221</sup>
- 1916-1944: The period between World War I and World War II saw a decline in emigration to the United States due to the introduction of immigration quotas which only permitted the entry of 5,000 Italians per year. Moreover, the fascist regime in Italy imposed restrictions on emigration to strengthen the recruitment base for the army and promote a positive image of Italy internationally. At the same time, several thousand opponents of the fascist regime found refuge outside the country. Additionally, this period fostered migratory movements to Italy's colonies in East Africa. Likewise, a migration agreement between Italy and Germany in 1938, led to the further migration of around 500,000 Italian workers who were employed in German factories and, to a lesser extent, in agriculture.<sup>222</sup>
- 1945-1976: The post-war era saw a decline in transcontinental emigration, while, at the same time, migration to northern European countries increased, especially due to the economic growth and increasing demand for labour in those countries. In contrast to the mainly unregulated emigration

219 Del Boca, D., & Venturin, A. (2003). *Italian Migration* (IZA DP No. 938; Discussion Paper Series). IZA -Institute for the Study of Labor

220 Ibid.

221 Di Muzio, G. (2012). *Country Profile Italy* (Country Profile No. 23; Focus Migration Country Profiles (I)). Institute for Migration Research and Intercultural Studies (IMIS) of the University of Osnabrück, German Federal Agency for Civic Education (bpb).

222 Ibid.

of the pre-war period, Italian emigration was now governed through bilateral agreements. Establishing an emigration regime was used as the main strategy to counteract high unemployment rates and increasing social pressure. The country's economic boom in the 1950s and 1960s not only led to increased internal migration from the rural dominated south to industrial areas in the north of Italy but also led to Italy's transition from a country of emigration to one of immigration.<sup>223</sup>

### 5.1.2. Size and characteristics of the emigrant population

UN population data estimated that the total number of Italian emigrants in 2019 stood at 3,351,006, representing 5.5 percent of the country's population. Italian emigrants are well known for being geographically dispersed across the world. Almost half of the emigrants reside in Europe (48%), followed by North America (27%), Latin America and the Caribbean (15%) and to a lesser extent Oceania (8%) and Africa (1%). Men only account for a slightly higher number than women, representing 52 percent of the total emigrant population.<sup>224</sup> According to the Registration of Italian Residents Abroad, the number of Italian citizens residing abroad was estimated at 6,093,729 in 2019. Moreover, some estimates suggest that the size of the diaspora could reach around 60 million if people of Italian origin and their descendants were included.<sup>225</sup>

**Table 5: Top ten destination countries of Italian migrants**

Country of destination	Total Stock	% of total emigrants
Germany	578,841	19%
France	343,255	11%
United States	340,419	11%
Switzerland	273,918	11%
Canada	252,025	9%
Australia	202,617	8%
United Kingdom	173,305	7%
Argentina	155,008	6%
Belgium	126,432	4%
Spain	125,820	4%

Source: United Nations, Department of Economic and Social Affairs, Population Division, 2019

223 Ibid.

224 United Nations, Department of Economic and Social Affairs, Population Division, 2019

225 Caldarini, C. (2020). Diaspora Policies, Consular Services and Social Protection for Italian Citizens Abroad. In J.-M. Lafleur & D. Vintila (Eds.), *Migration and Social Protection in Europe and Beyond (Volume 2): Comparing Consular Services and Diaspora Policies* (pp. 273–288). Springer International Publishing.

### 5.1.3. Diaspora-state relations

Historically, longstanding relations between the Italian state and the diaspora had led to the establishment of cultural, economic and political ties between the diaspora, their descendants and the country of origin. Over the years, the Italian state has established a comprehensive diaspora infrastructure to strengthen the ties with Italians living abroad, through state-sponsored institutions and agencies that promote Italian culture, language, and, most of all, a national identity and sense of belonging.<sup>226</sup>

Under the fascist regime from 1922 to 1943, the state introduced policies to control emigration and monitor its emigrant population as part of an overall state strategy to repress any form of dissident mobilization both at home and abroad. Control of emigration was used to ensure a recruitment base for the military and political power of the regime, and to promote a positive image of Italy abroad. Further, by monitoring the emigrant population, the regime sought to repress any political activism in the diaspora and prevent the emergence of a political opposition from outside that could challenge its rule. At the same time, the state extended a range of political rights and social-cultural rights to ensure the loyalty of those living abroad.<sup>227</sup> These policies had a longer-term impact on the debate over the granting of voting rights to non-resident citizens as the fascist regime, through its propaganda, was able to push the stereotype among political parties that most Italians abroad were right-wing nationalists. As a result, many political parties in Italy hesitated to enfranchise the emigrant population due to the potentially negative influence they could have on political processes in their homeland.<sup>228</sup> While previously the Italian state was more reluctant to engage with the diaspora on a wider scale, the period starting in the 1980s and 90s saw a shift in discourse that increasingly recognized the potential of the diaspora. This discourse of the so-called “Italians in the world”, referring both to Italian citizens abroad and their descendants, was aimed at including the Italian diaspora in the country’s culture, making them distant members of the national community. As a result, the government established a range of institutions and actors to include Italians abroad in the national political and institutional life of the country. It should be noted that these developments were at least partly a result of lobbying and advocacy efforts of Italian diaspora communities to ensure political representation of the interests of the Italians living abroad.<sup>229 230</sup>

226 Tintori, G. (2011). The Transnational Political Practices of “Latin American Italians”. *International Migration*, 49(3), 168–188.

227 Østergaard-Nielsen, E. (2016). Sending Country Policies. In B. Garcés-Mascareñas & R. Penninx (Eds.), *Integration Processes and Policies in Europe: Contexts, Levels and Actors* (pp. 147–165). Springer International Publishing. [https://doi.org/10.1007/978-3-319-21674-4\\_9](https://doi.org/10.1007/978-3-319-21674-4_9)

228 Lafleur, J.-M. (2011). Why do states enfranchise citizens abroad? Comparative insights from Mexico, Italy and Belgium. *Global Networks*, 11(4), 481–501.

229 Ibid.

230 Tintori, G. (2011)

## 5.2. Overview of the legal framework concerning diaspora engagement

### 5.2.1. Actors and Institutions

Italy has established a composite diaspora infrastructure to deal with the interests of Italians abroad and the protection of the rights of its emigrants. This infrastructure includes multiple actors such as government authorities at the national and regional level, representative bodies, and a unique transnational network of welfare advice centres. These centres are responsible for strengthening the ties with and providing assistance to the Italian diaspora around the world.<sup>231</sup>

#### *National institution*

The **Directorate General for Italian Citizens Abroad and Migration Policies (DGIEPM)**<sup>232</sup> under the mandate of the Ministry of Foreign Affairs and International Cooperation is responsible for diaspora engagement policies at the national level. The Directorate coordinates policies and interventions for Italian communities abroad by providing funding to associations and committees and by implementing policies to strengthen the social, linguistic and educational ties with the country of origin. To ensure the protection of the rights of emigrants, the Directorate offers protection and assistance services to Italian emigrants, among other types of services, in the form of social protection, tax advice, and electoral services. The institution is also responsible for developing legislative proposals concerning Italians abroad and for relations with the General Council of Italians Abroad and local committees (COM.IT.ES.).

#### *Representative bodies*

The **General Council of Italians Abroad (CGIE)**<sup>233</sup> was established in 1989 by Law No. 368 of 6 November 1989 (amended by Law of 18 June 1998, No. 198) and regulated by Presidential Decree of 14 September 1998, No. 329 as a consultative body at a global level to represent the interests of Italians abroad. The body aims to promote the representation and participation in the political life of the country of Italian communities residing abroad in a range of matters including living conditions, education, and social protection. It also provides information for Italians abroad and consular services. The CGIE Plenary Assembly has 94 members who are elected to a 5-year term. Sixty-five of its members reside abroad. They are elected by the COM.IT.ES. network and by associations of Italian communities. Twenty-nine of its members are appointed by the Italian Government based on recommendations from different parties represented in the parliament, trade unions, and representative institutions for emigration. The composition of these 29 national members follows a specific distribution. Ten members should be from the national emigration associations, seven from parties with parliamentary representation, nine from trade unions and from the most representative charitable institutions, one from the National Press Federation, one from the United Federation of the Italian press abroad, and one from the most

<sup>231</sup> Caldarini, C. (2020)

<sup>232</sup> For more information on the Directorate General for Italian Citizens Abroad and Migration Policies <https://www.esteri.it/mae/en/ministero/struttura/dgitalianiestero/>

<sup>233</sup> For more information on the General Council of Italians Abroad see: <https://www.esteri.it/mae/it/servizi/italiani-all-estero/organismirappresentativi/cgie.html>

representative organization of border workers. Following the changes introduced by Law 89/2014, the General Council of Italians Abroad (CGIE) should now consist of 63 members, out of which 43 represent the Italian communities abroad and 20 are appointed by the government.<sup>234</sup> The Minister of Foreign Affairs is the chair of the CGIE Assembly. Despite having primarily an advisory function offering recommendations to Italian Government institutions, the CGIE's opinion should be considered as mandatory for each act of the government and the regions concerning Italians abroad. In reality, however, the CGIE lacks decision-making power and its impact on political processes and policies regarding Italians abroad is considered weak.<sup>235</sup>

The **COM.IT.ES.**<sup>236</sup> were established by Law no. 205/1985 to represent the interest of Italians residing in their respective districts abroad. In consular jurisdictions with more than 3,000 Italian nationals, COM.IT.ES. are directly elected by Italians abroad, whereas in districts with fewer Italian citizens, the committees can be appointed by the diplomatic-consular authorities. Depending on the size of population in the respective district abroad, COM.IT.ES. are composed of 12 or 18 members. After the most recent election, the number of COM.IT.ES. worldwide numbered more than 100, with 47 based in Europe, 42 in the Americas, 10 in Asia and Oceania and seven in Africa. The task of the COM.IT.ES. is to identify the social, cultural and development needs of the the particular community and promote initiatives that cultivate the social and cultural life of Italians abroad. COM.IT.ES. collaborate with the consular authorities to ensure the protection of the rights and interests of Italian citizens residing in the consular district. Further, they have the authority to express a mandatory opinion on state funding for media, associations and local activities targeting Italian nationals abroad.

**Regional emigration councils**<sup>237</sup> (Consulte regionali dell'emigrazione) have been established to preserve and strengthen the link between emigrants with their region of origin. The councils are created and guided by the laws of each of the 21 regions in Italy and promote and finance initiatives especially in the social and cultural spheres. The emigrant councils hold an advisory function and provide proposals and recommendations to the regional governments concerning economic, educational, cultural and social issues of the members of the emigrant communities abroad. The councils are composed of a wide range of actors, ranging from local elected officials at the regional, provincial, or municipal level, to representatives of economic organizations, trade unions, and migrant associations and other experts.

**Consular offices:** The Italian diplomatic-consular network consists of 301 missions abroad, including 128 embassies, 80 consular offices, eight permanent missions, 84 Italian cultural institutes and one special diplomatic delegation.<sup>238</sup> The consular offices are responsible for the protection of the rights and interests of Italians abroad and the provision of services such as assistance in case of death, economic

234 The legislative framework of the General Council of Italians Abroad can be accessed via the following link: [https://amb-pretoria.esteri.it/ambasciata\\_pretoria/en/informazioni\\_e\\_servizi/servizi\\_consolari/servizi\\_elettorali/normativa\\_comites\\_cgie/normativa-comites-cgie.html](https://amb-pretoria.esteri.it/ambasciata_pretoria/en/informazioni_e_servizi/servizi_consolari/servizi_elettorali/normativa_comites_cgie/normativa-comites-cgie.html)

235 Caldarini, C. (2020)

236 For more information on the COM.IT.ES. see: <https://www.esteri.it/mae/en/servizi/italiani-all-estero/organismirappresentativi/comites.html>

237 For more information on the regional emigration councils see: [http://www.esteri.it/mae/doc\\_politica\\_estera/regio-ni-consulte\\_uffici\\_competenti.doc](http://www.esteri.it/mae/doc_politica_estera/regio-ni-consulte_uffici_competenti.doc)

238 Ministero degli Affari Esteri (2020). *Annuario Statistico 2020*. Roma: Sistema Statistico Nazionale.

support in times of severe economic hardship, health assistance, and legal advice. Consulates also have the task of coordinating and managing the Registry of Italian Residents Abroad (A.I.R.E.), established in 1988, to collect data of Italian citizens residing abroad. All Italian citizens who reside abroad for a period longer than 12 months or who were born abroad and maintained Italian citizenship are required to register at the A.I.R.E. The registration is defined as a citizen's right and duty (based on Art. 6 Law no. 470/1988) and is a prerequisite for the use of services provided by consular representations, as well as for the exercise of emigrants' rights (e.g. the exercise of the right to vote abroad).

**Italian Cultural Institutes:** The Italian Cultural Institutes are the official Italian governmental body dedicated to promoting the Italian language and culture in major cities around the world. The Cultural Institutes implement a wide spectrum of activities. These activities revolve around organizing concerts, cultural events, and exhibitions, encouraging cultural and scientific collaboration between Italy and the respective host countries, supporting initiatives for the cultural development of the Italian community abroad, and offering and promoting Italian language courses.

The **Italian Welfare Advice Centres (Patronati)**<sup>239</sup> are non-profit institutes funded by a small percentage of the compulsory social security contributions (0.226%), under the authority of the Italian Ministry of Labour and Social Policies. There are currently 23 Patronato institutes officially recognized by the Italian Government that belong to different collective/corporate social bodies, and hence represent diverse political and ideological points of view. The institutions are spread across Italy but also have a presence abroad, with hundreds of offices in at least 40 countries. Their task is to provide assistance and services for Italian workers and citizens dealing with issues regarding social protection, health and well-being, and welfare assistance. The Patronati represent and protect Italian citizens and their descendants in close collaboration with diplomatic and consular authorities, social security bodies and local unions.<sup>240</sup>

## 5.2.2. Laws, legislation, regulations and measures

### *Definition of the Italian diaspora*

Despite the comprehensive legal framework, Italy does not have legislation that officially defines who belongs to the Italian diaspora. Generally, Italy refers to its diaspora as 'Italians abroad', without clearly defining who is included in this term.

### *Citizenship*<sup>241</sup>

The main legal framework regulating Italian citizenship currently comprises Law No. 91/1992 as well as Presidential Decree No. 572 of October 12<sup>th</sup>, 1993 and Presidential Decree No. 362 of April 18<sup>th</sup>, 1994 that guide the implementing regulations and procedures.

239 For more information on the Patronati see: <https://www.lavoro.gov.it/temi-e-priorita/previdenza/focus-on/Vigilanza-istituti-patronato/Pagine/default.aspx>

240 Caldarini, C. (2020)

241 The legislative framework on citizenship can be accessed via: [https://www.esteri.it/mae/en/ministero/normativaonline/normativa\\_consolare/serviziconsolari/cittadinanza.html](https://www.esteri.it/mae/en/ministero/normativaonline/normativa_consolare/serviziconsolari/cittadinanza.html)

### Box 12. Principles of Italian Citizenship Law

Generally, Italian citizenship is based on the following principles:

- **Citizenship based on parentage (*ius sanguinis*):** Citizenship can be acquired based on having Italian parents/ancestors.
- **Citizenship based birthplace (*ius soli*):** In some cases, citizenship can be acquired based on being born on Italian soil.
- The possibility of **dual citizenship**.
- Importance of **individual intention in the acquisition or loss of citizenship**, through the declaration of willingness to acquire or renounce citizenship.

According to the legislation introduced by Law No. 91/1992, people of Italian descent living abroad are entitled to acquire Italian citizenship and full citizenship rights if they can prove links to an Italian ancestor (in the case of a female ancestor if born after 1948). Any person is eligible regardless of residency and language proficiency who can demonstrate that their ancestor never renounced Italian nationality voluntarily. As a result, Italy's very generous policy entitles third, fourth or even fifth generation descendants to maintain citizenship based on *jus sanguinis*.<sup>242</sup>

#### Registration of Italian residents abroad<sup>243</sup>

Established by Law no. 470/1988, the A.I.R.E. contains all the personal data of Italians residing abroad for more than 12 months. The registry not only covers Italians who migrated abroad but also citizens who were born abroad or those who acquired Italian citizenship for any other reason. The registration is not voluntary, as stated in Article 6 of the law. Enrolment is a citizen's right/duty and a prerequisite for accessing services as well as exercising rights such as voting from abroad.

#### Voting from abroad<sup>244</sup>

The norms for the exercise of the right to vote by Italian citizens residing abroad is regulated by Law 27 December 2001, no. 459 and its implementing regulation (Presidential Decree No. 104 of 2 April 2003), as well as implementing Articles 48, 56 and 57 of the Constitution, which established the Foreign Constituency. The law entitles all Italian citizens (over 18 years) who reside abroad and are registered with the Register of Italians Abroad (AIRE) to vote and stand as a candidate in parliamentary elections and referendums, without having to return to Italy to vote. Italian citizens residing abroad and registered on the electoral lists can also vote for the members of their respective COM.IT.ES. based on absentee voting.

242 Tintori, G. (2011)

243 The legislative framework on the Registration of Italian resident Abroad can be accessed via: [https://www.esteri.it/mae/en/ministero/normativaonline/normativa\\_consolare/serviziconsolari/anagrafeconsolare.html](https://www.esteri.it/mae/en/ministero/normativaonline/normativa_consolare/serviziconsolari/anagrafeconsolare.html)

244 The legislative framework on voting from abroad can be accessed via: [https://www.esteri.it/mae/en/ministero/normativaonline/normativa\\_consolare/serviziconsolari/votoestero](https://www.esteri.it/mae/en/ministero/normativaonline/normativa_consolare/serviziconsolari/votoestero)

Voter registration is done automatically. Hence, voters do not have to request a ballot but are directly enrolled on the electoral lists, and the voting documents are sent to their home. According to Law no. 52 of May 6, 2015, (the so-called “Italicum”), citizens temporarily residing abroad for a period of at least three months for work, study or medical treatment are also entitled to vote from abroad but have to request the ballot from their consulates. This vote can be done via postal mail (absentee ballot). Italians living abroad can elect six senators and 12 deputies to the national parliament representing the extra-territorial electoral constituency, which is divided into four geographic locations - Europe, South America, Central and North America, and Africa, Asia, Oceania and Antarctica. Based on the Decree of the President of the Republic, December 28, 2017, the composition of the foreign constituency is the following:

**Table 6. Composition of the foreign constituency**

Continental districts	Italians residents abroad	Voting-eligible population	Deputies	Senators
Europe	2,685,815	2,261,416	5	2
South America	1,559,068	1,343,929	4	2
North & Central America	451,062	389,060	2	1
Africa, Asia, Oceania, Antarctica	277,997	236,449	1	1

### ***Social security***

Law no. 152 of March 30, 2001<sup>245</sup> and subsequent amendments and additions provide the legal framework for regulating the mandate and activities of the Patronati.

<sup>245</sup> Law no. 152 of March 30, 2001 regulating the Patronati can be assessed via the following link: <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2001-03-30;152!vig=>

**Box 13. Law no. 152 of March 30, 2001 regulating the Patronati**

The following articles are the most relevant concerning Italians residing abroad:

- According to *Paragraph 1 of Art. 7.* regulating the functions of the Patronati, “the institutes of patronage and social assistance exercise the activity of information, assistance and protection, even with powers of representation, in favour of employees and self-employed, pensioners, individual Italian citizens, foreigners and stateless persons in the territory of the State and their survivors and assignees, for the achievement in Italy and abroad of benefits of any kind in the field of social security, immigration and emigration, provided for by laws, regulations, statutes, collective contracts and other regulatory sources, provided by public administrations and bodies, by bodies managing supplementary pension funds or by foreign States in relation to Italian citizens or already in possession of Italian citizenship, even if resident abroad.”
- Article 8 regulating consulting, assistance and protection activities states that “the activities of advice, assistance and protection of the institutions of patronage relate to:
  - the attainment, in Italy and abroad, of benefits in the field of social security and retirement compulsory and supplementary forms thereof;
  - the attainment of benefits provided by the National Health Service;
  - the attainment of social welfare benefits, including those relating to emigration and immigration;
  - the attainment, in Italy and abroad, of the benefits provided by the complementary pension funds, also on the basis of special agreements with the supplying bodies”
- Article 11 defines the relationship with Italian diplomatic and consular authorities abroad by highlighting that “Institutions of patronage and social assistance may carry out, on the basis of special agreements with the Ministry of Foreign Affairs, activities to support the Italian diplomatic and consular authorities abroad”.

### 5.3. Overview of diaspora engagement policies and programmes

Italy’s engagement strategy with its diaspora has a longstanding history, and mainly centres around offering social protection and services, encouraging political representation and consultation of nationals abroad as well as promoting arts and culture to strengthen connections with the homeland and cultivate Italian culture abroad.

### 5.3.1. Best practices

#### ***Social protection and services***

The country's transnational network of welfare advice centres can be considered a unique approach to ensure emigrants' access to social protection. The services of the centres are free of charge and do not have any membership requirements, so are therefore accessible to all Italians abroad. The work of the Patronati covers all areas of social protection, from unemployment benefits and health insurance to pensions and other forms of welfare assistance. The activities include the transmission of tax returns, and support in the application process for social protection in Italy as well as in the country of residence. Additionally, they help to verify and challenge payments. In many cases, they collaborate closely with the consular offices and often provide services that the state is responsible for (e.g. repatriation, freedom of movement and residence). As a result, the Patronati often have a voice to influence decision-making in the diplomatic mission. While this shows a certain degree of power, the system of Patronati has been criticized for mainly reaching out to older generations of the Italian diaspora, while being less attractive to young people and atypical<sup>246</sup>workers.<sup>247</sup>

#### ***Political representation and consultation of nationals abroad***

As shown in the previous section, Italy has developed a comprehensive infrastructure for political representation and consultation. By allowing absentee voting, the country has taken a crucial step towards increasing the political rights of emigrants, albeit with limited political impact since emigrants can only vote in referendums and for a limited number of legislative seats of the foreign constituency. The first election after the implementation of the law was seen as very successful in mobilizing emigrants' votes, with 38.93 per cent of the 2.7 million voters returning their ballots. In addition, emigrant votes became decisive for the outcome of the election, turning the result in favour of the left-wing coalition who won most of the Senate and Chamber seats in the extraterritorial constituency.<sup>248</sup>

Further, when giving the emigrant population the ability to vote, Italy's diaspora policies and practices placed an emphasis on establishing consultation bodies at the local, regional and national level to increase representation of diaspora voices in decision-making processes. Representatives of the local COM.IT.ES are elected by the emigrant constituency of the district via absentee voting and are thus based on democratic practices, at least at the local level. At the same time, as voter turn-out tends to be very low, only 5 per cent of the eligible voting population participated in the last election of 2015. This shows there is a clear need to improve the outreach and mobilization of Italians abroad to strengthen their voice and representation in these bodies.<sup>249</sup> Another criticism is that these bodies

246 Caldarini, Giubboni & McKay (2014) define atypical work "in relation (or opposition) to typical work, with the latter seen as full-time, permanent, direct employment". According to the authors atypical work includes part-time work, temporary work, fixed-term work, seasonal work, self-employed or mini-jobs. Workers in these categories tend to face limited access and coverage in the social security system.

247 Caldarini, C. (2020)

248 Lafleur, J.-M. (2011)

249 Caldarini, C. (2020)

generally have a consultative function with very limited power to truly influence decision-making.<sup>250</sup>

### **Promoting art and culture**

By implementing a wide spectrum of activities ranging from organizing concerts, cultural events and exhibitions, encouraging cultural and scientific collaboration between Italy and the respective host countries, the Italian Cultural Institutes promote initiatives for the cultural development of the Italian community abroad. A recent programme of the Directorate General for Italian Citizens Abroad and Migration Policies is the initiative “Vivo d’Arte<sup>251</sup>”, a competition-prize dedicated to young Italian artists (under 36 years of age) permanently residing abroad. The initiative aims to enhance the creativity and talent of young Italians living abroad and encourages the collaboration of Italian and other cultures. The prize is divided into two sections, the first dedicated to Performing Arts and the other to Visual Arts. The winners have been awarded with the opportunity to present their projects in Italy and an artist residency at an Italian Arts institution.

## **5.4. Conclusions and lessons learned**

Italy has experienced a long history of emigration, with estimates suggesting that between the 1860s and the 1970s, over 26 million Italians migrated abroad due to economic and political reasons.<sup>252</sup> Over this period, the longstanding diaspora-state relations had led to the establishment of cultural, economic and political ties between the diaspora and their descendants, and the country of origin. The sizeable Italian diaspora has been successful in lobbying for the extension of rights to the emigrant population, and for establishing consultation channels that ensures the representation of emigrant voices in the country’s political processes.<sup>253</sup>

Over the years, the Italian state has established a comprehensive diaspora infrastructure to strengthen the ties with Italians living abroad through state-sponsored institutions and agencies that promote Italian culture, language and ties with the country of origin. The diaspora infrastructure nowadays includes multiple actors such as government authorities at the national and regional level, representative bodies, and a unique transnational network of welfare advice centres (Patronati), which are responsible for strengthening the ties with and providing assistance to the Italian diaspora around the world. The case of Italy highlights that countries can extend their services in social protection to their citizens abroad, especially when there is an established system that provides assistance and support to residents inside the country of origin.

250 Tintori, G. (2011)

251 For more information on the initiative Vivo D’Arte see: <https://www.esteri.it/mae/en/servizi/italiani-all-estero/vivo-d-arte-concorso-per-giovani>

252 Del Boca, D., & Venturin, A. (2003). *Italian Migration* (IZA DP No. 938; Discussion Paper Series). IZA -Institute for the Study of Labor

253 Lafleur, J.-M. (2011)

Another limitation is the limited power of the consultative bodies. They only have a consultative function, with no powers to make decisions that are binding entrenched in law, and therefore rarely have a real impact on political decision-making. However, as shown, despite the restricted sphere of influence, the Italian diaspora was still able to shift power relations within the Italian Government in the 2006 elections.<sup>254</sup>

Due to its longstanding emigration history and, not least, the lobbying and advocacy efforts of the Italian diaspora, the Italian state has established a comprehensive diaspora infrastructure that is based on a solid legal framework that regulates the activities of the diverse institutions dealing with the diaspora. At the same time, a review of the literature indicates that there are some implementation gaps and challenges:

- **Lack of a general law defining the diaspora and the state's relations with it:** Despite its comprehensive legal framework, Italy does not have a law that officially recognizes members of the diaspora or emigration as an integral part of the national development plan.
- **Lack of decision-making power on diaspora issues:** Despite the elaborated structure of representative bodies operating at different levels, the opinions and recommendations rarely have a real impact on political decision-making. The consultative nature of these bodies with no binding decision-making powers entrenched in law, can therefore be seen as a major limitation to ensuring the political participation of Italians abroad.
- **Lack of interest:** While turnout among Italian emigrants reached 39 percent in the 2006 elections, in the last general elections of 2018, it had dropped significantly to 29 percent. Interest in the election of the local committees tends to be even lower.<sup>255</sup> The lack of interest, of course, can be for multiple reasons. However, it also shows that there is a need to inform Italians abroad about their rights and mobilise them to take part in elections.
- **Challenges in reaching younger generations of Italians abroad:** The low interest and levels of participation of the diaspora in elections also illustrates the challenge the state faces if it wishes to reach younger generations of Italians abroad. Representative bodies and the Patronati often tend to attract older generations of Italian emigrants, while their outreach mechanisms are seldom able to reach young people. There is a clear need for more innovative initiatives and actions (e.g. via social media, ICT) to reach out to the diverse groups of Italians abroad.

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254 Tintori, G. (2011)

255 Lafleur, J.-M. (2011)



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## 6. Conclusions and Recommendations

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Engaging diasporas in development efforts is not a one-way street, and it is vital for governments to pay attention to the needs and wants of diaspora communities as well. If states overemphasise obligations and understate rights, they may fail to engage their diasporas in a lasting way.<sup>256</sup> A state must be able to demonstrate its role as protector and benefactor in order to ensure the long-term participation and engagement of its diaspora. A successful diaspora engagement strategy needs to be integrated into a comprehensive legal framework that guides and regulates the government's actions. Yet, the design of the legislation also needs to take into account how it is subsequently implemented at the practical level in order to ensure the legislation does not only exist on paper.

Several countries were selected as case studies and analysed for the purpose of drafting recommendations on legislative and institutional frameworks governing state-diaspora relations. The conclusions of each chapter are largely based on the lessons learned from the case studies on the countries selected, Lebanon, India, Ireland and Italy.

In **Lebanon** historically, the Lebanese Government has focused on material interests by tapping into the (economic) resources of the diaspora, e.g. by attracting investment, rather than extending and protecting the rights of its emigrant population. To date, the state has not developed an adequate legal framework to guide its diaspora policy. However, more recent legal reforms of the Election and Citizenship Law can be seen as a major step towards improving the legal basis for a diaspora engagement policy and promoting emigrants' rights.<sup>257</sup> It is worth mentioning that Lebanese Government actors and entrepreneurs from the diaspora make use of new technologies and innovative practices (e.g. social media, apps, etc.) to reach out to and strengthen connections with the diaspora. One important point of consideration is that Lebanon needs substantial technical know-how and financial capacity not only to develop these tools, but also to maintain them over the long run.

Despite the proven success record of **India** in mobilizing resources from and extending rights and services to its diaspora, more remains to be done to translate these efforts into a concrete policy framework for more coordinated and inclusive engagement. India's political commitment to adopt proactive policies is widely praised. However, previous assessments stress that several policies exist

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256 Gamlen, A. (2006)

257 Saleh, S. (2020)

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more on paper, or are implemented on a small scale due to limited resources.<sup>258</sup> For many years, the Indian Government confined the roles of Indian diaspora members to cultural and financial matters and succeeded in sustaining a positive link between migration and development. It was only in 2011 that non-resident Indians (NRIs) gained the right to vote in elections, albeit with the condition that they had to vote in person. Granting the right to vote from abroad could broaden the current economic and culturally-focused approach to be more far-reaching and oriented towards the long-term.<sup>259</sup>

**Ireland** has implemented several flagship initiatives to engage its diaspora and worked towards promoting the idea of a global Irish community by establishing a two-way relationship with the diaspora. The engagement pattern of Ireland demonstrates a good balance between the services provided to emigrants (e.g. Emigrant Support Programme) and the expectations/obligations of members of the diaspora (e.g. business networks, tourism initiatives). However, the fact that the government substantially increased efforts to engage with the diaspora after the economic downturn of 2008, created a perception among some that the state sees the diaspora as a resource to be tapped in pursuit of national interests and only recognize the diaspora when their contributions are needed. Similarly, the honorary citizenship scheme “Certificate of Irish Heritage” failed to meet expectations and was criticized for “reducing Irish identity to a utility function and commodity”.<sup>260</sup> This perception is further reinforced by the fact that the Irish Government does not allow non-resident Irish citizens to vote in presidential elections.<sup>261</sup>

**Italy** has established a composite diaspora infrastructure to deal with the interests of Italians abroad and protect the rights of its emigrants. This infrastructure includes multiple actors such as government authorities at the national and regional level, representative bodies, and a unique transnational network of welfare advice centres, which are responsible for strengthening the ties with and providing assistance to the Italian diaspora around the world.<sup>262</sup> Despite the comprehensive legal framework that regulates diaspora institutions and policies, Italy does not have a law that officially recognizes members of the diaspora or emigration as an integral part of the national development plan. Another limitation is the limited power of consultative bodies. These bodies only have a consultative function, with no power in law to make binding decisions, and therefore rarely have a real impact on political decision-making.<sup>263</sup>

Based on the extensive desk-research carried out for these four case studies, several recommendations can be made regarding legislative, policy and institutional frameworks governing the state’s relations with its diaspora. The recommendations below are grouped under three headings: legislation and policy; implementation; and communication and outreach.

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258 Najouks, D. (2020)

259 Hercog, M. & Siegel, M. (2011)

260 Gray, B. (2012)

261 Glynn et. al (2015)

262 Caldarini, C. (2020)

263 Tintori, G. (2011)

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## Recommendations regarding legislation and policy

- **Laws that recognise the diaspora:** In addition to extending rights and services, some states introduce legislation to define and recognize members of the diaspora, as well as setting out the main principles of the state's relationship with its diaspora. For example, in the late 1990s, Ireland amended Article 2 of the Constitution emphasising its recognition of Irish descendents as part of the nation, thus redefining Irish belonging based on ancestry. The idea that Irishness is not bounded by nation-state territory is now widely accepted, and likely contributes to the sense of belonging of people from the diaspora. Although symbolically valuable, if the measure is not accompanied by certain rights and privileges, it may not go beyond empty political gesture. In the Irish context, social benefits extended through its flagship Emigrant Support Programme (ESP) serve to support the discourse of the "Global Irish family". However, despite notable efforts, the fact that the Irish Government still prohibits voting for its non-resident citizens illustrates the lack of commitment to extend political rights.
- **Laws that extend social protection to non-residents:** In the Irish context, the flexibility in habitual residence conditions allows services to be extended to emigrants abroad. Instead of designing new tools tailored towards emigrants, the Irish Government changed the residency condition to extend social protection to its citizens who live abroad. Similarly, the law of the Italian Patronati system, as well as having specific articles that regulate services for Italians abroad, consistently refers to people who live in Italy and Italians who live abroad.
- **Introduction of special membership categories for historical diaspora groups:** Another practical approach is to designate a special membership category for people who have never been citizens of a certain country but consider themselves part of the diaspora in terms of ethnic, linguistic, cultural or historical ties. India's OCI scheme that provides privileges similar to non-resident citizens is a good example of this. However, only residents of 16 select developed countries have the right to access the OCI scheme which is denied to ethnic Indians in less developed countries. It is important to be aware of the fine balance between designing tailored policies and advantaging one group over another.
- **Mainstreamed into other sectoral laws and regulations:** Successful diaspora engagement is based on policy coherence and should therefore be linked to national and local priorities that are coherent with sectoral, national and local policies. Designing a diaspora legislative framework should, therefore, take into account different areas of development and try to expand existing sectoral laws (e.g. laws on investment, tourism, regional development) to include diaspora-related matters. In addition, it is important to ensure policy and legislative coherence to guarantee that the existing policies conform with international and national law, which can reduce the risk of incoherent and unsustainable programming.

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## Recommendations regarding implementation

- **Budget to ensure sustainability:** As the cases highlight, developing a diaspora engagement infrastructure by establishing diaspora institutions and legislative frameworks needs a budget that is well resourced to ensure the practical implementation of the legislation and policy framework. If possible, budget allocations should be regulated by law to ensure that the institutions and policies are sustainable and active over the long term and are not dependent on the political will at the time.
- **Ensuring capacity and feasibility of law implementation:** Conducting a capacity and feasibility assessment of the implementation of the law should be done in the early stages to ensure that the legislation does not only exist on paper. The assessment should evaluate the financial resources and technical know-how needed to implement the laws and related infrastructure. The assessment should also include a context-sensitive analysis that can shed light on political priorities and sensibilities to ensure that the political will and societal support exists for the law to be implemented. Extending rights, particularly political ones, to the diaspora can be a sensitive and highly contested topic and it is therefore best realised with historical and contextual factors being taken into account.
- **Decision-making power of representative bodies:** In order to promote meaningful political participation of emigrants through representative bodies, there is a clear need to entrench at least some degree of decision-making power in the law. As the Italian case shows, if the decisions made are not binding, the representative bodies tend to have limited impact on political processes in the country of origin.
- **Ministerial notifications/regulations to grant additional rights:** Not every policy change requires amendment of general laws. After the introduction of the Overseas Citizenship of India (OCI) scheme, the Indian Government amended its Citizenship Law to specify the rules that apply to OCI status holders, with a focus on how they differ from that of citizens. Since this initial amendment, the Ministry has issued several notifications granting registered OCIs further benefits.
- **Inter-departmental or inter-agency units monitoring implementation of diaspora policies and legislation:** Some origin country governments, such as Chile, establish inter-departmental committees representing multiple government departments (e.g., ministries) whose work touches on diaspora matters.<sup>264</sup> Other countries, such as Ireland, establish inter-agency committees that involve not only government departments but also private actors from relevant fields such as agriculture and tourism. Their overall objective is to identify the main issues concerning the Irish abroad and address these issues through the involvement of the relevant departments and stakeholders participating in the committee. By defining the tasks and responsibilities of each representative, a monitoring mechanism can be developed to ensure effective implementation of the existing diaspora policy and legislation. If no such diaspora legislation or policy exists,

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264 Gamlen, A. (2014)

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as a first step, these committees can be tasked with reviewing aspects of legislation that affect diaspora groups under their respective mandates.

## Recommendations regarding communication

- **Long-term communication strategy:** A major component of any diaspora policy is establishing a long-term communication strategy and information-sharing mechanisms. To this end, the Irish Government set up several fora with a view to promoting business and civil society networks. However, the strong emphasis on channelling funds to Ireland received backlash from some diaspora members with criticism about viewing the diaspora as a resource to be tapped. It is important to consult members of the diaspora, not only to extract obligations, but also in designing policies that extend rights to the populations abroad. Consultative mechanisms can be developed to support development of policy and legislative frameworks that concern diaspora populations.
- **Making use of social media and new technologies such as web-applications to create innovative outreach channels that encourage and coordinate diaspora responses and contributions:** As shown in the Lebanese case, social media and web-applications can provide innovative tools for the communication and outreach strategy especially when targeting younger generations in the diaspora. In this regard, making use of experts from the diaspora to co-design ICT solutions to diaspora engagement can be a way to leverage the potential and enthusiasm of the diaspora. One important point of consideration is that any such strategy needs substantial technical know-how and financing to not only develop these tools, but also keep them running in the long run.



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