



DIASPORA AND
TRANSNATIONAL IDENTITIES

AN ANALYSIS OF LEGAL FRAMEWORKS AND POLICIES

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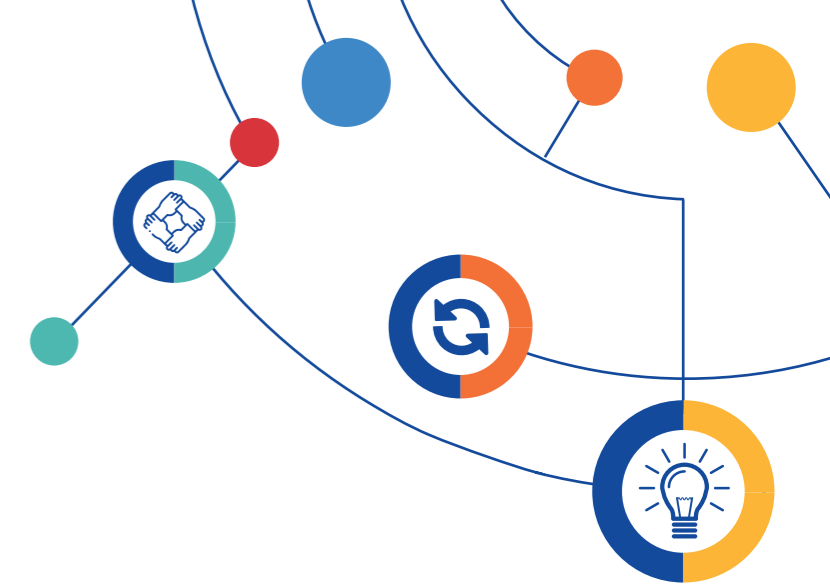
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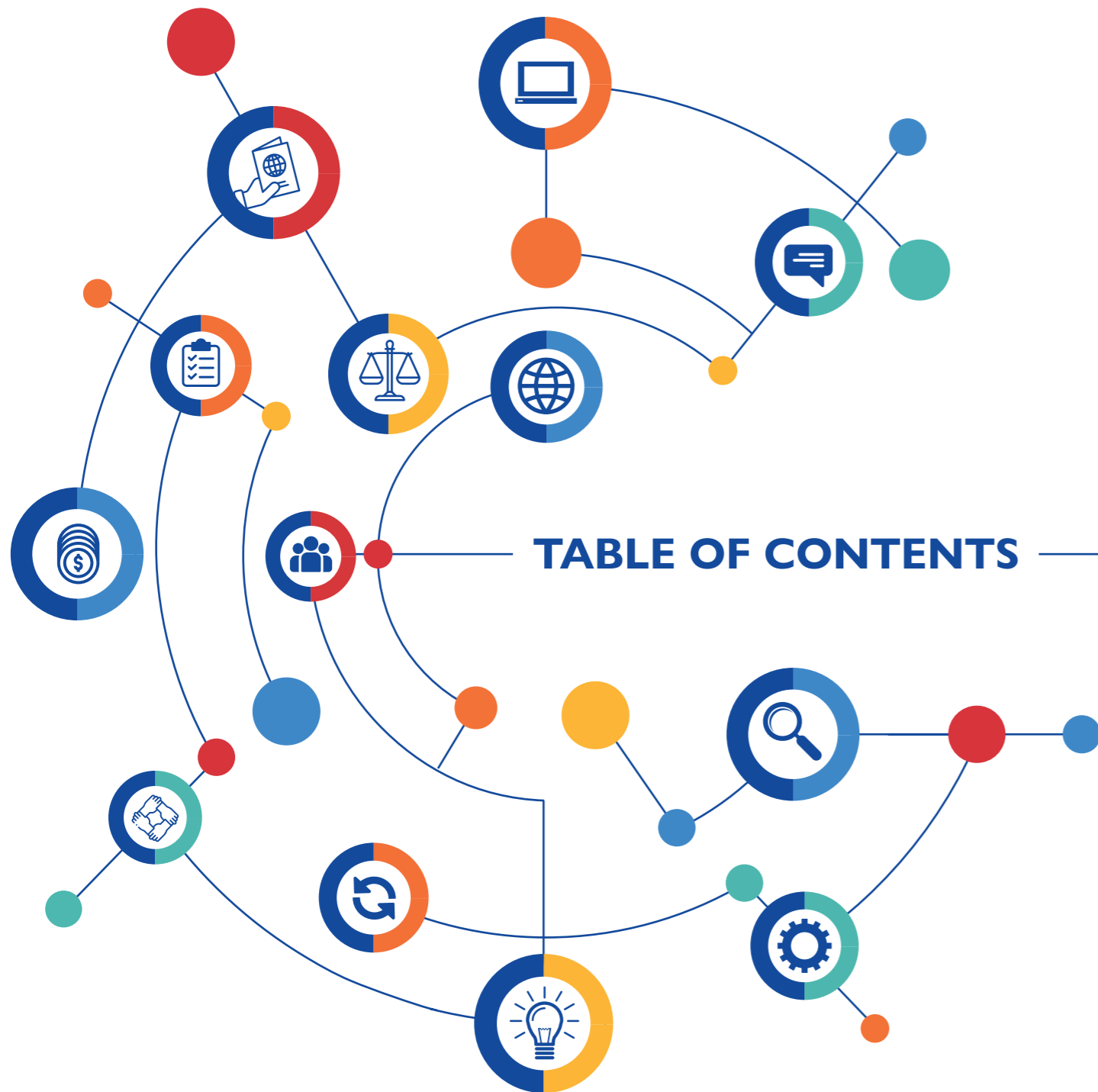


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List of Acronyms and Abbreviations

CMW	The Committee on the Protection of the Rights of All Migrant Workers and Members of their Families
CPC	Council of the Portuguese Communities
DEP	Diaspora Engagement Policy
ETPV	Temporary Protection Status (Estatuto Temporal de Protección para Migrantes Venezolanos)
IMA	Institute for Mexicans Abroad
IOM	International Organization for Migration
ILO	International Labour Organization
GFMD	Global Forum on Migration and Development
OCI	Overseas Citizen of India
OAS	The Organization of American States
NRI	Non-Resident Indian
UN	United Nations

Foreword

The world is increasingly interconnected, and migrants and diaspora communities serve as vital links that foster international ties, business relationships, and knowledge transfer. Their significant contributions span human, social, cultural, and economic dimensions, driving development in various areas. According to the World Bank, personal remittances from migrants and diasporas surpass official development aid, foreign investment, and other financial flows in some countries, constituting approximately 9.4 per cent of global GDP. This highlights their influential role as societal bridges. Governments have taken significant steps to engage with diasporas, including supporting dual citizenship, granting political rights, and expanding economic opportunities to encourage their involvement in homeland development. The adoption of the Global Compact for Safe, Orderly and Regular Migration and its Objective 19 further strengthens efforts to fully integrate diasporas into sustainable development.

Diasporas possess unique qualities that make them valuable partners in the Humanitarian Development Peace Nexus. They have the knowledge, networks and motivation to effectively respond to emergencies and contribute to long-term development solutions. To fully harness their potential, collaborative ecosystems should be established, providing diasporas with necessary resources, networks and partnerships for sustainable development worldwide. A comprehensive normative and policy framework in both the countries of origin and destination, will enhance the crucial role played by diasporas in promoting comprehensive influence and participation in development. These laws and policies should be inclusive and ensure the equal participation of youth and women in political, economic and public processes.

This report focuses on the legal framework of diaspora engagement, evaluating the rights and opportunities available to diasporas in selected countries of origin and destination. It examines the understanding of the “diaspora” by governments, its reflection in national policies and legislation, the rights granted to diasporas, and the policies’ consideration of women’s role and participation in diaspora engagement.

The publication aims to foster further discussions on engaging with diasporas from a legal perspective, institutionalizing support functions, and distributing duties and rights that enable diasporas to contribute to the development process and drive positive changes in both origin and destination countries. While progress has been made in engaging and recognizing diasporas for sustainable development, as outlined in the Dublin Declaration, there is a significant lack of data and a lack of systematic measurement of diaspora contributions. Despite this challenge, the commitment to finding solutions and creating opportunities for diasporas to actively participate in sustainable development should persist. The ongoing journey to fully leverage the engagement and potential of diasporas requires maintaining ambition, seeking innovative solutions, and fostering partnerships to create a sustainable and inclusive future that benefits both diasporas and their countries of origin and residence.



Ugochi Daniels

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Key terminology

The key terms used in this report are presented in Table 1 below. Terms not included in this table are explained in relevant report sections.¹

TABLE 1: Key terminology used in this report

Citizen / national	A person who has a legal bond with a State.
Citizenship / nationality	The legal bond between an individual and a State.
Country of destination/ host or receiving country	A country that is the destination for a person or a group of persons, irrespective of whether they migrate regularly or irregularly.
Country of origin/ home country,/ State of origin	In the migration context, a country of nationality or of former habitual residence of a person or group of persons who have migrated abroad, irrespective of whether they migrate regularly or irregularly.
Diaspora	Migrants or descendants of migrants whose identity and sense of belonging, either real or symbolic, have been shaped by their migration experience and background. They maintain links with their homelands, and to each other, based on a shared sense of history, identity, or mutual experiences in the destination country.
Dual / Multiple Citizenship	Simultaneous possession of the nationality of two or more countries by the same person.
Emigrant	From the perspective of the country of departure, a person who moves from his or her country of nationality or usual residence to another country, so that the country of destination effectively becomes his or her new country of usual residence.
Migrant	An umbrella term, not defined under international law, reflecting the common lay understanding of a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons. The term includes a number of well-defined legal categories of people, such as migrant workers; persons whose particular types of movements are legally defined, such as smuggled migrants; as well as those whose status or means of movement are not specifically defined under international law, such as international students.

Gender neutral	Anything – a concept, an entity, a style of language – that is unassociated with either the male or female gender.
Gender blindness	The failure to recognize that the roles and responsibilities of men/boys and women/girls are given to them in specific social, cultural, economic and political contexts and backgrounds. Projects, programmes, policies and attitudes which are gender blind do not take into account these different roles and diverse needs and will not help transform the unequal structure of gender relations.
Gender sensitive programming and policies	Gender sensitive programming and policies are aware of and address gender differences.
Gender responsive programming and policies	Gender responsive programming and policies intentionally employ gender considerations to affect programmes' and policies' design, implementation, and results. Gender responsive programmes and policies pay attention to the unique needs of females, valuing their perspectives, respecting their experiences, understanding developmental differences between girls and boys, women and men, and ultimately empowering girls and women.

1. All migration-related terms provided in the table used from the following publication: Sironi, A. C. Bauloz and M. Emmanuel (eds.), 2019. Glossary on Migration. International Migration Law, No. 34. International Organization for Migration (IOM), Geneva. Gender-related terms in the table are sourced from the following: UNICEF Regional Office for South Asia, 2017 Glossary of Terms and Concepts.

INTRODUCTION

States' interest in mobilizing diasporas abroad has consistently increased in recent decades. Transnational engagements of migrants and diaspora with the host country and home country also became one of the essential aspects of the global development agenda. Goal 19 of the Global Compact for Safe, Orderly and Regular Migration underlines this importance. It highlights the necessity to "create conditions for migrants and diasporas to fully contribute to sustainable development in all countries".²

To involve diasporas in implementing global and national development goals, it is necessary to recognize the pivotal role played by diasporas. Notably, the past experience of States' engagement with diasporas has already proved that in addition to remittances, diasporas bring tremendous change by supporting local communities in poverty reduction, modernizing education, economy and progress in technology and knowledge sharing,³ promoting democracy,⁴ engaging in peacebuilding,⁵ and demonstrating and enhancing resilience during crises.⁶ Since the beginning of the COVID-19 pandemic, once again diasporas showed a high level of contribution, developed transnational responses, and supported new initiatives to address challenges facing their communities in their home and host countries. The recognition of diaspora, both within legislative and institutional framework, became a starting point for joint actions in many countries. This increased the capacity of both sides and led to positive results.

This report presents a review of the legal frameworks in the selected jurisdictions to demonstrate how States translate the diaspora recognition in laws and policies by (a) providing them rights; (b) meeting their needs; (c) developing dedicated institutions for diaspora engagement; (d) and developing cooperation in different areas. Based on the review, the report demonstrates the progress made by selected study countries in recognizing various aspects of the transnational identity of diaspora members and how the rights granted reflect the interests of both parties, influence the trust between them, and help them to build collaboration and to promote positive changes.

2. United Nations (2018). Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration adopted on 10 and 11 December (A/CONF 231/3).
3. United Nations Office of the High Commissioner for Human Rights, Migration, and Human Rights: Improving Human Rights-Based Governance of International Migration, December 2012.
4. Itzigsohn J. and D. Villacres (2008). Migrant political transnationalism and the practice of democracy: Dominican external voting rights and Salvadoran hometown associations. *Ethnic and Racial Studies*, 31(4).
5. Cochrane et al. (2009). Home thoughts from abroad: diasporas and peacebuilding in Northern Ireland and Sri Lanka. *Studies in Conflict & Terrorism*, 32(8).
6. Bradley et al. (2019). *Refugees' Roles in Resolving Displacement and Building Peace: Beyond Beneficiaries* Georgetown University Press.

Structure of the report

This report consists of six interconnected chapters. **Chapter One** outlines a general framework for understanding the term “diaspora” and unpacks the understanding of “transnational identity”. It provides a general narrative in which transnational identity and diasporas have been discussed in academic literature and other studies. The chapter presents fundamental concepts without an attempt to participate in the debates on the conventionality and necessity of diaspora. Instead, the report’s interest lies in establishing more linkage from a legal perspective between diaspora engagement and transnational identity and rights.

Chapter Two provides an overview of the definition of diaspora established at international, regional and domestic levels. The chapter includes concepts used previously in technical reports, official documents of states and international and regional organizations. It also provides examples from national legislation from each region globally.

Chapter Three highlights the primary modalities of diaspora engagement in countries of origin and destination elaborated by scholars and development projects. **Chapter Four** discusses understanding the legal framework and rights in diaspora engagement policies. Both chapters serve as a basis for understanding the policy development of the case study presented in the next chapters.

Chapters Five and Six describe diaspora engagement policies, institutions established to regulate relations with diasporas, and rights provided to diasporas and highlight how a gender-based approach is incorporated into these policies, by looking at case study countries.

The conclusion presents the main findings and includes reflections on the future development of diaspora engagement and transnational identity and rights.

Methodology of the analysis

This analysis was conducted through desk review – literature review, analysis of laws and policies, and official statements in media from case study countries. Objective 19 of the Global Compact for Migration and its indicators served as a starting point for comparing laws and policies in the States selected for the case study.

The study was tasked with analysing the legal frameworks of selected jurisdictions that regulate diaspora engagements, particularly to identify whether an understanding of transnational identities is reflected in normative and policy frameworks and how the legal provisions provide for effective diaspora engagement. The study also tried to determine if gender aspects are incorporated into diaspora engagement laws and policies, as it is important to acknowledge that male and female diaspora members could have different expectations and opportunities. Their resources, networks, and access to institutions are not always equal. Gender-neutral responses in the law and policies limit equal opportunities, and gender-blind diaspora policies can lead to inappropriate responses.

The following criteria were used to select the case study countries:

- States have evolving policies that take into consideration the transnational identity of diaspora members.
- States have policies and laws that consider the legal identity of diaspora and develop policy from a rights-based perspective.
- Data availability and language accessibility were additional criteria.

Four countries of migrants’ origin whose practice is considered promising in their regions were identified for the analysis – Ghana for the African region, Mexico for the Americas, India for the Asian region and Portugal for Europe. Given that some migrant-receiving countries also have experience and programmes in developing relations and cooperation with diasporas, this study also looks at the experiences of Germany and Colombia. Germany has experience supporting and strengthening diaspora organizations as a host country and implementing development programmes through diaspora engagement, while Colombia, as both a country of origin and destination of migrants, has a different experience reflecting the local and regional context. Both countries’ experiences have innovative elements and areas for potential development, which is essential for tracking and understanding regional and global trends in diaspora engagement.

Based on the results, recommendations on normative and policy frameworks that ensure effective diaspora engagement of both countries of origin and destination were elaborated.

Study limitations

This review presents legislative and policy measures enacted to engage with the diaspora. The study does not evaluate the effectiveness of the implementation of such actions, although it is included in the report where such information is officially presented.

It is also important to note that some jurisdictions selected for this review are countries of origin and destination for migrants at the same time. However, for Chapter V of the report, countries with high external migration rates with a pioneering experience in engagement with diaspora were selected. In Chapter VI, the case study of Colombia goes beyond the choice of a traditional destination country with a pioneering practice in engagement with the diaspora. Instead, the expertise of Colombia in this review shows how the complex situation within the region and migration caused by various reasons, can turn challenges into benefits.

Finally, the available data was insufficient to comprehensively assess how gender aspects are integrated into laws and policies. This area remains open for further research initiatives.

DIASPORA AND TRANSNATIONAL IDENTITIES AT A FOCUS

Relations between States and persons embedded in more than one national society or legal framework (through their mobility between countries) have been richly studied since the 1990s. Different factors determining States' policies regarding such mobility and the forms of interaction between States, migrants and diasporas also became an area of extensive research.⁷ Consequently, the fact that migrants and their descendants remain connected with their countries of origin while maintaining the same connection in their countries of permanent residence was actuated as a subject of transnationalism studies.

IOM defines transnationalism as “multiple ties and interactions linking people and institutions across State borders”.⁸ In this sense, transnational identity means recognising the “multi-geographical” or “bicultural” character of migrants from one particular country but living out their lives in another and negotiating their two forms of cultural socialization.⁹ Even if no factual relations or exchanges occur (sometimes over the next generations), people may maintain identification with the homeland and co-ethnics elsewhere.¹⁰ Thus transnational identity may reflect belonging to two or more societies. At the same time, scholars underline that “transnational migrants are engaged in activities designed to define and enhance their position in the receiving nation, while simultaneously seeking to remain embedded in a participatory way in the everyday affairs of the homeland community.”¹¹ Thus, the transnational identity is a formation where an individual may stay attached to more than one country, exercise a range of rights, and navigate multiple legal systems that are not contradictory.

7. For instance see Portes et al. (2000). Transnational Entrepreneurs: An Alternative Form of Immigrant Economic Adaptation. *American Sociological Review*. Available at: www.jstor.org/stable/3088896; Vertovec, S.(2004). Migrant Transnationalism and Modes of Transformation. *International Migration Review*, 38(3). Available at www.jstor.org/stable/27645423; Gamlen, A.(2006). Diaspora engagement policies: What are they, and what kinds of states use them? Working Paper 32, Centre on Migration, Policy and Society, University of Oxford.

8. IOM (2019). *Glossary on Migration*. International Migration Law, No. 34.

9. Esteban-Guitart, M. and Ig Vila. (2015). The voices of newcomers. A qualitative analysis of the construction of transnational identity. *Psychosocial Intervention*, 24(1).

10. Vertovec, S. (2005). The Political Importance of Diasporas Centre on Migration, Policy and Society Working Paper No. 13, University of Oxford.

11. Kivisto, P. (2001). Theorizing transnational immigration: a critical review of current efforts. *Ethnic and Racial Studies*, 24(4).

From a legal perspective, diaspora and transnational identity is discussed within the state and citizenship paradigm. In a globalized world, people could have ties with the State not only within the framework of the “statist models” (where all persons pledge fealty to one State) or the “cosmopolitan model” (forswear any primary fealty to a country). A third paradigm was suggested – named “diaspora model”.¹² This model recognizes the possibility of a wide range of attachments between the homeland and the transnational community and embraces globalization but not the refusal of a nation or State. It accommodates the “dual loyalties” and interests of people living in diasporas, allowing them to be governed by the laws of their homeland and their adopted countries.¹³ The concept of dual citizenship is highly debated. From the perspective of receiving States, some scholars underlined that dual nationality might weaken immigrants’ integration.¹⁴ Alternatively, in terms of political participation, dual citizenship might violate the principle of equal democratic citizenship as it provides holders of dual citizenship access to the social space, resources, and citizenship entitlements of two States, while, “mono-nationals” do not have such opportunities.¹⁵ Further, from an economic perspective, it was also discussed that dual citizenship might lead to inequality by creating conflict over taxpaying obligations.

In contrast to these arguments, other scholars highlighted that dual citizenship stimulates the expansion of ideas about multiculturalism and strengthens democracy in a transnational world.¹⁶ Diaspora engagement, they believe, opens doors for markets, trade, business, cultural exchange, and diplomacy. Through “transnational governmentality”, countries of origin can enhance the relations between migrants and their home societies and reproduce the relationship between citizens and States beyond territorial borders.¹⁷ Host countries can strengthen trust between different cultures and enhance the political system, business, trade, and diplomatic partnerships.

In this vein, it is essential to underline that Objective 19 of Global Compact for Migration sets concrete measures for States to undertake. With the adoption of the Global Compact for Migration, Member States and stakeholders agreed that fulfilment of such a developmental policy vision requires a global policy framework of future action in diaspora engagement.

12. Chander, A. (2002). Diaspora Bonds. *New York University Law Review*, 76.

13. Ibid.

14. Tanasoca, A. (2014). Double Taxation, Multiple Citizenship, and Global Inequality. *Moral Philosophy and Politics*, 1(1).

15. Spiro, P. (2010). Dual citizenship as human right. *International Journal of Constitutional Law*. Volume 8 (1).

16. Blatter, J. (2008). Dual Citizenship and Democracy. Available at: <https://doi.org/10.2139/SSRN.3005978> (accessed 10 April 2022).

17. Délano, A. and Gamlen, A. (2014). Comparing and theorizing state–diaspora relations. *Political Geography*, Volume 41.

BOX 1: Excerpts from the Global Compact for Migration

OBJECTIVE 19: Create conditions for migrants and diasporas to fully contribute to sustainable development in all countries.

Facilitate the contributions of migrants and diasporas to their countries of origin, including by establishing or strengthening government structures or mechanisms at all levels, such as dedicated diaspora offices or focal points, diaspora policy advisory boards for governments to account for the potential of migrants and diasporas in migration and development policymaking, and dedicated diaspora focal points in diplomatic or consular missions.

Develop targeted support programmes and financial products that facilitate migrant and diaspora investments and entrepreneurship, including by providing administrative and legal support in business creation, granting seed capital-matching, establishing diaspora bonds and diaspora development funds, investment funds, and organising dedicated trade fairs.

Enable political participation and engagement of migrants in their countries of origin, including in peace and reconciliation processes, in elections and political reforms, such as by establishing voting registries for citizens abroad, and by parliamentary representation, in accordance with national legislation.

Promote migration policies that optimize the benefits of diasporas for countries of origin and destination and their communities by facilitating flexible modalities to travel, work and invest with minimal administrative burdens, including reviewing and revising visa, residency, and citizenship regulations as appropriate.

Cooperate with other States, the private sector, and employers’ organizations to enable migrants and diasporas, especially those in highly technical fields and in high demand, to carry out some of their professional activities and engage in knowledge transfer in their home countries without necessarily losing employment, residence status, or earned social benefits.

Build partnerships between local authorities, local communities, the private sector, diasporas, hometown associations and migrant organizations to promote knowledge and skills transfer between their countries of origin and countries of destination.

Source: Global Compact for Safe, Orderly and Regular Migration (2018).



The first International Migration Review Forum (IMRF), 2022, to discuss the progress on the implementation of the Global Compact for Migration, convened the Global Diaspora Summit, where the Dublin Declaration was adopted. The Dublin Declaration sets out a future agenda of action for global diaspora engagement.



Box 2: Excerpts from the Dublin Declaration

Complimentary to existing fora and initiatives, facilitate the launch of a Global Diaspora Policy Alliance (GDPAL) that will deliver an inclusive ecosystem of collaboration across governments and partners in academia, civil society and the private sector to prioritize diaspora engagement policymaking and action in countries of origin and destination. This will further recognize and include diaspora engagement across local, national, regional and global policy agendas relating to all forms of development.

Strengthen the conditions at national and international levels for the economic and financial empowerment and engagement of migrants and transnational communities through a whole of government and whole of society approach and collaborations with public authorities working in finance, development, central banks, chambers of commerce, international financial institutions (IFIs) and multilateral development banks (MDBs) and other relevant stakeholders.

Institutionalize the diaspora engagement in policy development, including development strategies and humanitarian assistance plans, and integrate diaspora in country-based needs assessments, integration planning and sustainable reintegration strategies.

Following the principle of “know your diaspora” become better in how we collect evidence and data on diaspora and their contributions to societies, including by tapping into opportunities created by social media and other big data sources and contributing to a more balanced narrative on migration.

Recognize diasporas as partners in addressing major societal and humanitarian challenges and crises and reducing possible vulnerability as a result of specific situations, including pandemic, conflict, climate change, other related environmental and natural causes or other crises.

Make available the necessary resources to boost the capacity of diaspora leaders and organizations, including through training, exchange learning programmes, technical and financial support, development of dedicated guidelines leading to formal recognition and institutionalization.

Develop inclusive and transformative approaches aiming at incentivizing the active participation of diaspora to take into account the specificities of the different groups, including age, gender, religion, language and culture, among others, promote diversity and leave no one behind.

Explore the possibility of participation and representation of diaspora organizations as observers in decision-making bodies of different international platforms and organizations, including the IOM Council and other relevant multilateral initiatives.

Strengthen the protection of and safeguard the rights, access to health and education, security and welfare of migrants and diasporas, including by combatting all forms of discrimination, including social, economic and cultural, by addressing bias, xenophobia, and racism, and by reinforcing the role and capacities of consular services to support and nurture our diasporas, particularly their more vulnerable members regardless of migration status, recognising their needs as well as their potential to contribute to development.

Source: Global Diaspora Summit Outcome Document. A Future Agenda of Action for Global Diaspora Engagement (The Dublin Declaration), adopted April 2022.

DEFINITION OF “DIASPORA”

For the last few decades, the concept of “diaspora” has been used across disciplines to study transnational identity and relations between States and their populations abroad.¹⁸ However, no “legal concretization” can be observed regarding the concept of diaspora or the diasporic subject over the last decades.¹⁹ Nevertheless, in many parts of the world, national legislation operates with this term and the corresponding meaning set out in legislation. The centrality of transnational identity in such discussions has to be seen from the perspective of effective diaspora engagement and the promotion of the rights of members of diasporas.

Definition of “diaspora” from the academic prospect

The definition of diaspora is absent in international law. It is, however, subject to different interpretations, and, initially, it was associated with anthropological and social studies. Later, increasing globalization associated the term with migration and development studies. In addition, transnational ties of persons outside of their country of origin with their homeland in different positions (such as political refugees or exiles, emigrants, migrant workers, students studying abroad, and ethnic minorities) also broaden the meaning of this term.

Most of the available literature refers to Sheffer, Safran and Cohen while examining the term “diaspora” and its features. Sheffer (1986) described diaspora from the political science perspective as “ethnic minority groups of migrant origins residing and acting in host countries but maintaining strong sentimental and material links with their countries of origin”.²⁰ In the same area of study, Safran (1991) defined such characteristics of diaspora as – dispersal from their homeland to two or more foreign regions; having a collective memory of their homeland, “outrageous” in their host state, committed to maintenance or restoration of homeland and “idealizing” their homeland; and the last characteristic – strong ethnic group consciousness with a belief in a common fate.²¹ Cohen (1997) characterized diasporas by emphasizing that distance from a homeland may appear because of a search for work/trade/colonial ambitions or dispersal from an original homeland is often traumatic. He also suggested characteristics such as a sense of empathy and solidarity with co-ethnic members in other countries of settlement and the possibility of a distinctive creative, enriching life in host countries with a tolerance for pluralism. He used a five-fold classification with specific

18. Ragazzi, F. (2014). A Comparative Analysis of Diaspora Policies. *Political Geography*, Volume 41.

19. Schneck, P. (2016). Critical Subjects of Belonging: Diaspora, Indigenism and Human Rights. *Diaspora, Law, and Literature*, edited by Klaus Stierstorfer and Daniela Carpi, Berlin, Boston: De Gruyter.

20. Sheffer, G. (1986). A New Field of Study: Modern Diasporas in International Politics. *Modern diasporas in international politics*, Volume 8.

21. Safran, W. (1991). Diasporas in Modern Societies: Myths of Homeland and Return. *A Journal of Transnational Studies*.

examples: victim diasporas (Jews, Armenians), labour diasporas (Indians, Italians, Filipinos), imperial/colonial diasporas (Ancient Greeks, British, Portuguese), trade diasporas (Lebanese, Chinese) and cultural diasporas (Caribbean). The categories are not exclusive but have overlapping features between some types.²² It has also been discussed that diaspora is “made, unmade and remade, the changing conditions in which it lives and expresses itself”.²³ Hence, making it possible to think that the concept of “diaspora” can evolve.²⁴ Over the last twenty years, the term “diaspora” has expanded, and its understanding has become more flexible. The concept of diaspora was enriched with features such as creating multifarious links and exchange of people and resources between the countries of origin and destination.²⁵ In addition, the term “diaspora” began to indicate quite concrete, albeit diverse, concepts, such as diasporic communities, diaspora organizations, and individual members of diasporas – possibly all simultaneously.²⁶ Another view on diaspora was that diasporas’ willingness and motivation to link with home countries depends on the State’s outreach policies to engage with the diaspora.²⁷ At the same time, at the regional and national level, the definition of diaspora was formed using the characteristics developed in the academic literature, emphasising the new elements specific to the region or the country. The sections below take a closer look at how the definition of diaspora is reflected in international and regional policy documents and national law.

Defining “diaspora” at the international level

A review of migration-related reports developed under the guidance of UN organs in the last decades shows that no definition of “diaspora” was provided previously. However, the term and its alternatives were widely used in these documents.²⁸

In 2006 the “first-ever” plenary session of the UN General Assembly on migration issues that focused on ways to maximize the development benefits of migration, released an outcome report which devoted a separate chapter to explaining the role of transnational communities and their potential contribution to developing countries of origin.²⁹ This Report of the Secretary-General underlined the role of transnational communities, and to describe this, it used the terms “expatriates”, “long-term emigrants”, and “transnational

associations”.³⁰ Other outcome reports of this High-level Dialogue used the term “diaspora” interchangeably³¹ with “diaspora groups”, “diaspora associations”, “diaspora organizations”, and “expatriate communities” without defining the term “diaspora”.³²

The UN Working Group of Experts on People of African Descent documents and the Durban Declaration uses the term “African Diaspora” and “migrant African women in the diaspora”. Though a definition is not provided, these documents refer to the global communities descended from the historical migrations of African peoples.³³

The Global Compact for Migration use the terms “diaspora” and “diaspora organizations” without the provision of its definition.³⁴ In the same way, the New York Declaration for Refugees and Migrants employs the terms “migrant communities”, “diaspora groups”, “diaspora organizations” and “diaspora communities”, along with the term “diaspora”. However, no definition is suggested.³⁵

A review of various documents of UN bodies shows that the term “diaspora” or similar concepts were used. However, no attempt was found to define the notion of the diaspora at this level.³⁶ Nevertheless, the definition of “diaspora” at the international level was provided in 2007 by the Global Forum on Migration and Development (GFMD)³⁷:

Individuals originating from one country, living outside this country, irrespective of their citizenship or nationality, who, individually or collectively, are or could be willing to contribute to the development of this country. Descendants of these individuals are also included in this definition.³⁸

This working definition developed for the aim of the GFMD 2007 agenda was broadened and amended from a definition established by an African Union expert group in 2005 (See below section on **“Diaspora” in regional understanding**).

As a leading agency working with migration issues, the IOM developed the definition of diaspora in 2004 and modified it several times. The definition set in 2004 recognized that “everyone who lives outside the country of their ethnicity” could be a diaspora member.³⁹ In 2011, this definition was amended and included that “individuals and members or networks, associations, and communities abroad” could be recognized as a diaspora member.⁴⁰ With

22. Cohen, R. (1997). *Global Diasporas: An introduction*. London, University College Press.

23. Zeleza, P. T. (2005). Rewriting the African diaspora: Beyond the Black Atlantic. *African Affairs*, 414(35–68). doi:10.1093/afraf/adi001.

24. Zeleza, P. (2008). The Challenges of Studying the African Diasporas. *African Sociological Review / Revue Africaine de Sociologie*, 12(2).

25. Van Hear, N. (2004). *The contribution of UK-based diasporas to development and poverty reduction*, COMPAS, University of Oxford.

26. de Haas, H. (2006). *Engaging diasporas: How governments and development agencies can support diaspora involvement in the development of origin countries*. University of Oxford International Migration Institute, James Martin 21st Century School.

27. Orozco, M. (2018). *Conceptualizing diasporas. Remarks about the Latino and Caribbean experience*.

28. For instance Report of the International Conference on Population and Development Cairo, 5–13 September 1994 (A/CONF.171/13/Rev.I); Report on Fourth Coordination Meeting on International Migration, 26–27 October 2005 (UN/POP/MIG-FCM/2005/09); World Survey on the Role of Women in Development: Women and International Migration, (UN Sales No. E.04.IV.4).

29. *First High-level Dialogue on international migration and development* (accessed 10 April 2022).

30. UN General Assembly, 2006 International migration and development - Report of the Secretary-General, (A/60/871).

31. UN General Assembly, 2010 International migration, and development- Report of the Secretary-General (A/65/203).

32. UN General Assembly, 2013 International migration and development- Report of the Secretary-General (A/67/254); (A/68/190).

33. Declaration and Programme of Action of [World Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance](#) (accessed 10 April 2022).

34. UN General Assembly, Global Compact for Safe, Orderly and Regular Migration. Resolution adopted by the General Assembly, 19 December 2018 (A/RES/73/195).

35. UN General Assembly, New York Declaration for Refugees and Migrants. Resolution adopted by the General Assembly, 3 October 2016 (A/RES/71/1).

36. All reviewed documents indicated in the bibliography of the report.

37. A State-led, informal, and non-binding process that shapes the migration and development agenda in countries.

38. Global Forum on Migration and Development 2007. Report of the first meeting of the Global Forum on Migration and Development. Establishments Emile Bruylant.

39. Perruchoud, R. (ed), (2004) Glossary on Migration. International Migration Law,. International Organization for Migration (IOM), Geneva. Available at https://publications.iom.int/system/files/pdf/iml_1_en.pdf.

40. Perruchoud, R. and Redpath-Cross, J. (eds), (2011) Glossary on Migration. International Migration Law,. International Organization for Migration (IOM), Geneva. Available at https://publications.iom.int/system/files/pdf/iml25_1.pdf.

this definition, migrant workers, expatriates with the host country's citizenship, and persons with dual citizenship could constitute diasporas. However, in 2012, IOM experts detailed that temporary or circular migrants cannot be considered target groups of diaspora engagement actions.⁴¹ It was assumed that diaspora members establish residence abroad on a long-term (longer than 12 months) or permanent rather than short-term basis.⁴² Finally, in 2019, the updated definition of "diaspora" proposed by IOM was the following:

Migrants or descendants of migrants whose identity and sense of belonging, either real or symbolic, have been shaped by their migration experience and background. They maintain links with their homelands and each other based on a shared sense of history, identity, or mutual experiences in the destination country.⁴³

The IOM definition could be considered a non-official, globally accepted term. However, this definition can only be considered a starting point because the IOM recognizes that each State has the discretion to establish its own definition in legislation, which interprets the unique characteristics assigned to the diaspora.

It is worth mentioning that intergovernmental organizations and financial institutions also established the notion of "diaspora" for their development projects. The Organisation for Economic Co-operation and Development (OECD), for instance, emphasizes that the diaspora members can be migrants themselves or migrants' children or grandchildren born abroad. Furthermore, it underlines that some of these persons hold the nationality of their country of residence; others have more than one nationality or only of the country they currently reside in.⁴⁴ World Bank considered the term "diaspora" in the economic sense as migrants who gather in relatively significant numbers in a particular destination country or region. In this vein, World Bank's experts considered a diaspora as the population (aged 25+) "born in country *i* and living in country *j*".⁴⁵ In some other technical documents and reports, World Bank used the narrow definition of diaspora as a "foreign-born population."⁴⁶

There is no evidence that the lack of an officially generally accepted definition may bring ambiguity in the interpretation or application of legal instruments that call on diaspora engagement in development. Still, adopting such a definition at the international level may contribute to developing more universal policies for diaspora engagement (between countries of origin and destination) and help to consider the needs and the potential of those who already belong to two or more communities.

41. Manke, M. (2012). Towards Common Definition and Measurement of Diaspora: Practices and Lessons from South-Eastern, Eastern Europe and Central Asia. (Economic Commission for Europe Conference of European Statisticians, Note by the International Organization for Migration (IOM).

42. Ibid.

43. IOM (2019). *Glossary on Migration*. International Migration Law, No. 34.

44. OECD (2012). *Harnessing the skills of migrants and diasporas to foster development: policy options* (accessed 10 April 2022).

45. Beine et al., (2009). *Diasporas. Policy Research Working paper; no. WPS 4984*, World Bank.

46. Dilip, R. and S. Plaza (2011). *Diaspora for Development in Africa*. World Bank.

"Diaspora" in regional understanding

In 2005, the African Union expert group established the definition of "African diaspora". While explaining the definition, experts unanimously decided on the need for an "inclusive, comprehensive but precise definition, which could stand the test of time"⁴⁷:

The African Diaspora consists of peoples of African origin living outside the continent, irrespective of their citizenship and nationality, and who are willing to contribute to the development of the continent and the building of the African Union.⁴⁸

This definition focused on three principles: African diaspora must be defined by heritage (African origin, continental, not country-specific), must be linked to migration (living outside the country of origin) and must include people committed to the development goals (voluntary contributions to belonging to a collective entity.)

The African Union definition allows for a sense of belonging based on African ancestry. However, the interpretation of "African origin" led to debates. Particularly the emphasis on crossing continental borders (not country borders) to qualify as a diaspora member. Also, the definition of "nature", which may exclude people in the diaspora who have no means to contribute financially, became an aspect that scholars debated.⁴⁹

A review of the Organization of American States (OAS) documents did not reveal the endeavours to define the notion of "diaspora". However, OAS used the term "African Diaspora" and explicitly mentioned the need for States to "encourage the inclusion of the rights of persons of African descent" or "African Diaspora" (*diáspora Africana*).⁵⁰

The term "diaspora" also appears in official European Union documents. The Commission of the European Communities suggested a definition of diaspora, indicating that diaspora includes not only citizens of a country living abroad but also migrants, living abroad, or migrants' children born abroad, regardless of their nationality, "as long as they retain some form of devotedness and interest to the country of their origin or to the country from where their parents have come".⁵¹ In later European Union official documents, diasporas are portrayed as networks of migrants with various legal ties to their home countries with a national or ethnic origin and the ability and willingness to contribute.⁵² However, the European Commission's Directorate General for Migration and Home Affairs (DG HOME) uses the definition elaborated by IOM in 2011, going beyond networks and including individuals.⁵³

47. African Union (2005). *Meeting of Experts on the Definition of the African Diaspora* (accessed 10 April 2022).

48. African Union (2005). *Report of the meeting of experts from members of States on the definition of African Diaspora* (accessed 10 April 2022).

49. Mwangi, M. (2012). The African Union's diplomacy of the diaspora: Context, challenges, and prospects. *African Journal on Conflict Resolution*, Vol. 12(2).

50. Plan of Action for the Decade of People of African Descent in the Americas (2016–2025). Approved at the second plenary session, held on 14 June 2016, AG/RES. 2891 (XLVI–O/16).

51. Commission of the European Communities (2005). Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions. Migration and Development: Some concrete orientations.

52. Weinar, A. (2010).

53. *EC Migration and Home Affairs*, (accessed 10 April 2022).

The definition of “diaspora” in domestic law

In this part, examples from the national laws, policy papers or ministerial department documents show how “diaspora” is defined in countries of origin and destination. However, not all the definitions presented in this section are used in laws and policies. Selection criteria for the examples were based on regional representativeness.⁵⁴ Also, the following factors were considered in the selection:

- a. The long-standing experience or advancement of countries in engagement with diaspora (i.e. in Armenia, India, Mexico, Ghana, Ireland);
- b. Lack of experience or recent evolving experience in diaspora engagement (e.g. the experience of Central Asian countries); and
- c. Diaspora engagement experience that is interconnected or influenced by labour migration mobility of the population (e.g. the Philippines, Republic of Moldova).

Africa Region

“Diaspora” as a term is included in the legislation of several countries in Africa. Many Francophone and Anglophone countries in Africa use the word “diaspora” widely, which includes common key features indicated in the definition of the African Union. In contrast, North Africa’s Arabic-speaking States tend to use “national abroad” while referring to “diasporas”. In countries of Africa that speak Portuguese, the usage of the terms “diaspora” (“diaspora” in Portuguese) and “communities abroad” (*comunidades no estrangeiro*) is also common.⁵⁵

In Rwanda (Eastern Africa) – the term “Rwandan diaspora” can be found in the National Migration Policy and Strategies of Rwanda (2008)⁵⁶ and the Rwanda Diaspora Policy (2009), issued by the Rwandan Ministry of Foreign Affairs and Cooperation (also known as the Ministry of Foreign Affairs and International Cooperation). The latest document proposes the following working definition of diaspora:

Individuals originating from one country, living outside that country, irrespective of their citizenship or nationality, who, individually or collectively, are or could be willing to contribute to the development of their country.⁵⁷

54. For the research purpose in this section the UN Standard country or area codes were used (accessed 10 April 2022).

55. Tittel-Mosser, F. (2020). Diaspora engagement : Africa. Regional Series. EUDiF.

56. Republic of Rwanda, National Security Service Directorate General Immigration and Emigration, [National Migration Policy and Strategies](#) (accessed 10 April 2022).

57. Nkurikiye, A. (2019). Mapping the Rwandan Diaspora in the Netherlands. International Organization for Migration, (IOM).

Descendants of these individuals are also included in this definition.

Ghana (West Africa) has the definition of “diaspora” in its draft Diaspora Engagement Policy (2020). It underlines representatives of the diaspora as:

- Ghanaians who have migrated and are resident outside Ghana.
- Ghanaians born to Ghanaian parents (either one or both) living outside Ghana, described as second and third generations; the youth (who migrated from Ghana or were born abroad).
- Descendants of enslaved Africans.
- All persons of African descent who have historical and cultural ties with Ghana and are also interested in Ghana’s development”.⁵⁸

According to Ghana’s Immigration Act (2000), a “person of African descent in the Diaspora” is a person whose immediate forebearers have resided outside the African Continent for at least three generations but whose origin is African (either by documentary proof or by ethnic characteristics).⁵⁹ The term “diaspora” was also mentioned in Ghana’s Migration Policy (2016), which used the definition adopted by IOM in 2011.⁶⁰

Angola (Central Africa) – does not have a definition of diaspora. However, in legislation it uses the terms “communities abroad” (*comunidades no estrangeiro*),⁶¹ Angolan communities residing in Africa (*comunidades angolanas residentes em África*) and Angolan communities not residing in Africa (*comunidades angolanas não residentes em África*).⁶² The Constitution encourages the “association of Angolans” (*associação dos angolanos*) abroad to promote their connection with Angola in economic, social, cultural areas and guarantees to promote patriotic ties and solidarity with Angolan communities based there or with communities who have a relationship with Angola based on origins, consanguinity, culture and history.⁶³

Egypt (North Africa) – uses “Egyptian citizens abroad” in its Emigration and Sponsoring Egyptians Abroad Law.⁶⁴ The Law No. 26 of 1975 Concerning Egyptian Nationality which was amended by Law no. 154 of 2004, to realize gender equality with regard to passing of nationality provides that any child born of an Egyptian father or an Egyptian mother has Egyptian nationality.⁶⁵ Additionally, the new amendment also provides for acquisition of nationality by an individual who was born before the coming into force of the above amended law, “to an Egyptian mother and a non-Egyptian father”. Further, if such an individual dies before such acquisition, his children are also eligible for applying for the nationality.⁶⁶

58. Ministry of Foreign Affairs and Regional Integration, Draft of “Diaspora Engagement Policy for Ghana” (April 2020).

59. Ghana’s Immigration Act, 2000 (ACT 573) Section 56 Interpretations.

60. Government of Ghana, Ministry of the Interior, National Migration Policy for Ghana (2016).

61. Constitution of Angola (2010) Article 86.

62. The Electoral Process in Angola (2002) Law No. 5/92.

63. Constitution of Angola (2010).

64. Emigration and Sponsoring Egyptians Abroad Law no. 111 (1983).

65. Article 2, Law No. 154 for Year 2004 – Amending Some Provisions of Law No.26 of 1975 Concerning Egyptian Nationality, 14 July 2004.

66. Ibid, Article 3.

Lesotho (Southern Africa) adopted its National Diaspora Policy in 2021. The Policy proposes the following definition of the “diaspora”: “People of Lesotho origin living outside the country, along with any person willing to preserve and embrace Lesotho’s heritage and contribute to its development”.⁶⁷ The policymakers emphasize that this definition was developed upon critically assessing existing definitional frameworks on diaspora. Global good practices were employed, including the African Union, IOM and diaspora policies of Ethiopia, Ghana, Malawi and Ireland.

Latin America and the Caribbean

Latin America and the Caribbean use the term “diaspora” and variations, i.e. nationals abroad.⁶⁸ Most of the States use the term “citizens abroad” – like “Bolivians abroad”,⁶⁹ “Brazilians abroad”,⁷⁰ and “Colombians abroad”.⁷¹ Also, in their policies, many countries in the Caribbean and Latin America refer to other dimensions and characteristics of diaspora, such as the economic one and participation in the country-of-origin development.

In Jamaica (Caribbean), the National Diaspora Policy considers “diaspora” as groups of “people/persons who identify themselves as being from their respective country of origin, and who often share certain values, generational and cultural linkages”.⁷² Further, the Policy explains that the “diaspora” is “a collective of long-term emigrants and their descendants who are currently resident abroad”. It further aligns the description of diaspora with the IOM definition, defining it “as individuals and members or networks, associations and communities, who have left their country of origin, but maintain links with their homeland.” Thus, the definition of diaspora under the policy aims to cover “settled expatriate communities, migrant workers based abroad temporarily, second/third-generation migrants, and beyond.”⁷³

In Guyana (South America), diaspora is not defined in legislation. However, the term “overseas Guyanese” is used in the National Development Strategy.⁷⁴ Also, the term “Guyanese Diaspora” is used in official documents, statements and publications related to governmental bodies of Guyana (for instance, the magazine “Guyanese Diaspora Digest”).⁷⁵ In Colombia, a new “Comprehensive Migration Policy of the Colombian State” Law does not define “diaspora”. However, it establishes that “Colombians abroad” – is a Colombian citizen residing abroad who “maintains his blood ties with the Colombian State, as well their rights and duties with it”.⁷⁶

67. Government of Lesotho (2021). [National diaspora Policy](#) (accessed 10 April 2022).

68. Tittel-Mosser, F. (2021b). *Diaspora engagement: Latin America and the Caribbean*. Regional Series. EUDiF.

69. Pedroza et al. (2022). *Migration Policies in Bolivia 2017–2019*, IMISEM Case Report, German Institute for Global and Area Studies (GIGA).

70. Ministry of Foreign Affairs (2011). [Actions to Benefit Brazilians Abroad](#) (accessed 10 April 2022).

71. IOM (2018a). *Migration Governance Snapshot: Republic of Colombia*.

72. Government of Jamaica, Ministry of Foreign Affairs And Foreign Trade (2022). [National Diaspora Policy](#).

73. Ibid.

74. [National Development Strategy](#) of Guyana, Eradicating Poverty and Unifying Guyana (accessed 10 April 2022).

75. Guyanese Online (2021). [“A New Era Of Engagement for the Guyanese Diaspora”](#) (accessed 10 April 2022).

76. Law No. 2136 Comprehensive Migration Policy of the Colombian State 4 August 2021, Article 6.

The New Migration Policy 2018-2024 of Mexico (North America) contains the terms “connacionales en el exterior” (nationals abroad) and “diáspora mexicana”.⁷⁷ Also, Mexico uses the term “paisanos” (compatriots) while referring to a specific diaspora member group.⁷⁸ In legislation, Mexico uses the terms “connacionales”⁷⁹ and “Mexicanos en el exterior” (Mexicans abroad)⁸⁰, describing Mexicans living abroad and their descendants.

El Salvador (Central America) – also has no definition of the diaspora in its policies and legislation. However, the legislation uses a term meaning “Salvadorians abroad” to describe the diaspora (“personas salvadoreñas en el extranjero”).⁸¹

Asia

The concept of “diaspora” is not consistent in Asia, and the word ‘diaspora’ is rarely used in law and policy documents.⁸²

South Asia

In 2004 the Government of India conceptualized the term “diaspora” and declared that it would be used as “a generic term to describe the people who migrated from territories that are currently within the borders of the Republic of India”. The government of India also underlined that “diaspora” also refers to their “descendants.”⁸³ The Official Portal of the Government of India indicates that the diaspora constitutes Non-Resident Indians (NRIs) and Persons of Indian Origins (PIOs).⁸⁴ The Government also introduced a concept of Overseas Citizen of India (OCI) in 2005, to denote certain categories of PIOs and to which the PIO Scheme was merged in 2015.⁸⁵ The legislation in India does not refer directly to the notion of “diaspora”. However, their classification demonstrates a preference for a broader concept of diaspora.

In Nepal, the Non-Resident Nepali Act also provides definitions for several groups that can be classified as diaspora members, as presented below. However, the laws and policies reviewed do not use the term “diaspora”:

77. [Nueva Política Migratoria 2018-2024](#) (accessed 10 April 2022).

78. [Infograma Héroes Paisanos](#) (accessed 10 April 2022).

79. [Ley de Migración 2011](#) (accessed 10 April 2022).

80. [Ley del Servicio Exterior Mexicano](#), 2018 (accessed 10 April 2022).

81. Special Regulatory Law of the Issuance of the Single Identity Document. Legislative Decree No. 581 of October 18, 2001, published on 31 October 2001 (amended by D.L. No. 797, of 22 March 2002, published on March 22, 2002) (accessed 10 April 2022).

82. Tittel-Mosser, F. (2021a). *Diaspora engagement: Asia*. Regional Series. EUDiF.

83. Ministry of External Affairs of India (2022). “Welfare of Indian Diaspora: Policies/Schemes”. Fifteenth Report. Lok Sabha Secretariat August 2022.

84. The Official Portal of the Government of India, [“India at a Glance”](#) accessed 10 August 2022).

85. National Investment Promotion and Facilitation Agency, [PIO Helpdesk](#); Ministry of External Affairs, [Overseas Citizenship of India](#).

Diaspora and related terminology – Nepal

“Non-resident Nepali”	“a foreign citizen of Nepalese origin, and this term also includes a Nepalese citizen residing abroad”.
“Foreign citizen of Nepalese origin”	“a person who him/herself or whose father, mother, grandfather or grandmother was a citizen of Nepal at any time and has subsequently acquired the citizenship of any other foreign country other than a member country of the South Asian Association of Regional Co-operation (SAARC).”
“Nepali citizen residing abroad”	“a Nepali citizen who has been residing in any foreign country for at least two years by doing any profession, occupation, business and employment except a Nepalese citizen residing in a member country of SAARC or serving in a diplomatic mission or consulate situated in a foreign country under the assignment of the government of Nepal and doing study in an academic institution situated in a foreign country”.

Source: Non-Resident Nepali Act, 2064-5-10 (August 26, 2008) (accessed 10 April 2022).

South-east Asia

In the Philippines, the Citizenship Retention and Reacquisition Act established that Filipino Dual Citizens refers to natural-born Filipinos who are simultaneously citizens of the Philippines and another country (excludes foreigners who are naturalized Filipinos).⁸⁶ Philippine Statistics Authority Board defines “a descendant as a person born and staying overseas whose father and/or mother was a Filipino citizen at the time of his/her birth”.⁸⁷

In Viet Nam, the Law on Vietnamese nationality has the following terms to identify those who can be considered members of the diaspora:

Diaspora and related terminology – Viet Nam

“Overseas Vietnamese”	“Vietnamese citizens and persons of Vietnamese origin who permanently reside in foreign countries”.
“Persons of Vietnamese origin residing abroad “	“Vietnamese people who used to have Vietnamese nationality which had been determined at the time of their birth on the consanguinity principle and their offsprings and grandchildren are permanently residing in foreign countries”.

Source: Law on Vietnamese Nationality No. 24/2008/QH12, 13 November 2008 (accessed 10 April 2022).

86. Republic Act (RA) No. 9225, the Citizenship Retention and Reacquisition Act of 2003.

87. IACMS definition <https://psa.gov.ph/sites/default/files/scan0126.pdf> (accessed 10 April 2022).

The Vietnamese concept also stems out of the citizenship paradigm. It includes foreign citizens who belong to the Viet Nam ethnicity (Vietnamese People) and adhere to the consanguinity principle.

Central Asia

In Kazakhstan, the term “diaspora” is contained in the Law on Languages in the Republic of Kazakhstan.⁸⁸ The Law states that the diaspora is a “part of Kazakh people (ethnic community) living outside the country of historical origin”.⁸⁹ Kazakh Law on Migration of Population operates with three other terms that may refer to the diaspora:

Diaspora and related terminology – Kazakhstan

A former compatriot	“person born or previously held the citizenship of the Kazakh Soviet Socialist Republic or the Republic of Kazakhstan and permanently residing abroad”.
“Qandash” (from Kazakh “one-blood”)	“the ethnic Kazakhs who were not previously citizens and who arrived in their historical homeland Kazakhstan for permanent residence”.
“Ethnic Kazakh”	“any foreigner or a stateless person of Kazakh nationality”.

Source: Law of the Republic of Kazakhstan dated July 22, 2011, No. 477-IV “On population migration” (as amended and supplemented as of 30 December 2021).

The Concept of State Policy of the Republic of Uzbekistan refers to diaspora representatives’ possibility to participate in the country’s development. The policy contains the following explanations of the term “compatriots”:

- Citizens of Uzbekistan permanently residing abroad.
- Citizens temporarily staying abroad.
- Immigrants from Uzbekistan “who have gone abroad and become citizens of a foreign state and their descendants who have retained a sense of spiritual and cultural involvement in the Motherland and striving to develop friendly cultural, humanitarian, socioeconomic and other ties with the Republic of Uzbekistan”.⁹⁰

88. Law of the Republic of Kazakhstan “On Languages in the Republic of Kazakhstan” (dated July 11, 1997, No. 151-I with amendments and additions as of 30 April 2021).

89. Ibid., Article 1.

90. The Concept of the State Policy of the Republic of Uzbekistan in the field of Cooperation with Compatriots Living Abroad (Appendix N 1 to the Decree of the President of the Republic of Uzbekistan of 25 October 2018, N PP-3982).

Tajikistan uses three terms related to diasporas. It distinguishes diaspora from compatriots. If “foreign compatriots” include a narrow group of only citizens, the “Tajik diaspora” covers not only citizens and descendants but all (any) ethnic Tajiks, without reference to citizenship or the presence of ancestors of Tajik citizenship.

Diaspora and related terminology – Tajikistan

“Tajik diasporas”	“societies of Tajiks whose members live in foreign states and have received foreign citizenship”
“Foreign compatriots”	“citizens of the Republic of Tajikistan who live and work abroad, but do not relate to Tajik diaspora”
“Tajiks abroad”	“any Tajiks who are historically indigenous people of other countries”

Source: State Concept of Attracting Compatriots Living Abroad as Partners for the Development, approved by the Decree of the Government of the Republic of Tajikistan of 29 May 2010, No. 277.

Western Asia

Azerbaijan uses “Azerbaijanis residing abroad” (*xaricdə yaşayan azərbaycanlılar*) while considering members of diaspora abroad.⁹¹ This term refers to persons living outside the Republic of Azerbaijan and considering themselves Azerbaijanis:

- Citizens of the Republic of Azerbaijan and their children.
- Persons who previously had citizenship of the Azerbaijan Soviet Socialist Republic or the Azerbaijan Republic and their children.
- Persons and their children who do not belong to the first two groups but consider themselves Azerbaijanis due to ethnic, linguistic, cultural, or historical ties.

Europe

Europe has different practices regulating relations with the diaspora and defining the “diaspora” concept. Some countries broadly interpret who can be recognized as part of the diaspora. Some follow the traditional understanding based on citizenship, nationality and emotional ties with the country of origin.

The Republic of Moldova (Eastern Europe) has defined the term diaspora in its National Diaspora Strategy 2025. According to this policy, diaspora is “citizens of the Republic of Moldova, temporarily or permanently residing outside the country, and persons originating from Moldova, their descendants, and their communities”.⁹² Latvia (north-eastern Europe) also has a separate Diaspora Law. It defines diaspora as “citizens of Latvia residing permanently outside the country, Latvians [*latvieši*, denoting ethnicity], and others who have a connection to Latvia and their family members”. The law also defines a diaspora organization as “an association of persons whose main activity is aimed at ensuring the interests of the diaspora”.⁹³ The law focuses on preserving the diaspora’s identity, language and culture. It also promotes economic growth through the diaspora’s participation in the economy, science and culture.

In South-eastern Europe, Serbia has a separate Diaspora law. The Law on Diaspora and Serbs in the Region defines the term diaspora as “citizens of the Republic of Serbia living abroad; members of the Serbian people – emigrants from the territory of the Republic of Serbia and from the region and their descendants”.⁹⁴

In southern Europe, Portugal’s domestic law does not contain a definition of diaspora. However, policies use the term Portuguese diaspora – “*diáspora portuguesa*” and “*lusodescendentes*”⁹⁵ – and legislation had other terms that may refer to diasporas, such as “*descendentes de portugueses originários*”.⁹⁶

The United Kingdom of Great Britain and Northern Ireland (North-western Europe) lacks any diaspora engagement policy or social protection policies for its nationals residing abroad. It has a “passive approach” to its emigrants.⁹⁷ However, the UK House of Commons established that the diaspora consists of “international migrants who, although dispersed from their homelands, remain part of their community of origin”. This definition captures the following points: individuals are dispersed, possibly across several countries, but they maintain interest and affiliation to their home country, either real or imagined.⁹⁸

92. Republic of Moldova, Decision No. 200 on the approval of the National Strategy “Diaspora 2025” (accessed 10 April 2022).

93. The Law was adopted by the Saeima on 1 November 2018 and enters into force on 1 January 2019.

94. In accordance with the Article 2 of Law on Diaspora and Serbs in the Region (2012) Serbs in the region» mean the members of the Serbian people living in the Republic of Slovenia, the Republic of Croatia, Bosnia and Herzegovina, Montenegro, Republic of North Macedonia, Romania, the Republic of Albania and the Republic of Hungary.

95. Strategic Plan for Migration (2015-2020), Resolution of the Council of Ministers of Portugal No. 12-B/2015 of 20 March (accessed 10 April 2022).

96. Portuguese Nationality Regulation (Decree-Law n. ° 26/2022).

97. Consterdine, E. (2020). Diaspora Policies, Consular Services and Social Protection for UK Citizens Abroad. In: Lafleur, JM., Vintila, D. (eds) Migration and Social Protection in Europe and Beyond (Volume 3). IMISCOE Research Series. Springer, Cham.

98. Ionesco, D. (2006). Engaging diasporas as development partners for home and destination countries: challenges for policymakers. International Organization for Migration (IOM), Geneva.

91. Law of the Republic of Azerbaijan 2002 On state policy towards Azerbaijanis living abroad (accessed 10 April 2022).

Ireland, on the contrary, promotes an active policy engagement with diasporas and takes a broad definition of the Irish diaspora. In its *Diaspora Strategy 2020–2025*, Ireland states that the Irish diaspora is “composed of individuals of every background from communities in every part of the world”.⁹⁹ The Strategy mentions that Irish citizens living overseas, both those born in Ireland and those born abroad to Irish families, as well as the heritage diaspora, “those many millions of people of Irish descent around the world” – constitute the diaspora.¹⁰⁰

Conclusion

The definition of “diaspora” has been debated extensively in academic and policy discourse. Still, no single accepted definition of the term exists. IOM’s definition reaches the consensus by combining diaspora’s essential features – dispersion to two or more locations and ongoing orientation towards a “homeland”. However, the term can have broadened or narrowed meaning at the domestic level (See Table 9). States may imply a historical context while developing the term or link the term to other socioeconomic aspects that reflect the context of a particular country. Still, it is indisputable that the definition of these terms may influence or shape policy direction. An inclusive definition will extend opportunities for engagement, and a narrow definition could limit the options that diaspora members and transnational communities may have.

99. Government of Ireland, *Global Ireland. Ireland’s Diaspora Strategy 2020–2025* (accessed 10 April 2022).

100. *Ibid.*

COUNTRIES OF ORIGIN AND DESTINATION MODALITIES FOR DIASPORA ENGAGEMENT



Outreach or engagement policies with diasporas, their modalities and benefits or shortcomings are still ongoing debates. Scholars explained and discussed several typologies of diaspora engagement policies, proposing their hypotheses on why States choose specific terminology in developing their engagement with the diaspora. This section discusses some models that scholars elaborated on; however, the literature in this area is extensive.

Levitt and de la Dehesa (2003), studying the experience of Brazil, Mexico, Haiti and the Dominican Republic, classify five main types of engagement with diaspora: (1) bureaucratic reforms; (2) attracting investment policies; (3) extension of political rights; (4) extension of State services abroad; and (5) symbolic politics to reinforce the national identity.¹⁰¹ Within the “bureaucratic” reforms (ministerial or consular), States “respond to the increased importance of emigrants and their descendants to politicians”. The policies for attracting investment is aimed at transferring migrant remittances. Extension of political rights provides non-residents with, at the minimum, access to citizenship and the right to vote. By extending State services abroad, States introduce public services or protection for diaspora communities. Finally, a symbolic policy is implemented to maintain and strengthen the national identity, sense of belonging and long-term membership of diaspora abroad.¹⁰²

Gamlen (2006) classifies diaspora engagement policies into three main categories: (1) capacity-building policies; (2) extending rights to the diaspora; and (3) extracting obligations from the diaspora. Within the capacity-building policy, Gamlen also introduced two sub-types – “symbolic nation-building” and “institution-building”. Symbolic policies comprise of a broad range of initiatives and programmes to increase emigrants’ sense of belonging to a transnational community of “co-nationals.”¹⁰³ Under institution-building policies, the State builds systems, and institutions to “govern” diaspora populations. Further, it has been discussed that the extension of civil and social rights may leverage shared national identity and that extracting obligations without extending rights could not be beneficial for diasporas.

101. Levitt, P. and R. de la Dehesa (2003). Transnational migration and the redefinition of the state: Variations and explanations. *Ethnic and Racial Studies*, 26(4).

102. Ibid.

103. Gamlen, A. (2006). Diaspora engagement policies: What are they, and what kinds of states use them? Working Paper 32. Centre on Migration, Policy, and Society. University of Oxford.

Østergaard-Nielsen (2016) considers the outreach policies of the States of origin towards the diaspora in three main domains. In the economic domain, States' policies aim primarily at attracting emigrants' economic resources. Countries of origin can help create special banking facilities that make money transfers more manageable and accessible. States may encourage the spending of emigrants' money in the country of origin, including through the promotion of emigrant tourism. There could also be strategies to create or strengthen synergies between migration and development. In the political domain, States extend political rights to non-resident citizens. Governments of states of origin can facilitate the retention and transfer of citizenship to emigrants by reforming the rules for the acquisition and loss of citizenship, including dual citizenship, or issue identity cards that provide a certain set of rights and grant voting rights for non-resident citizens to grow. In the social domain, States develop policies that enhance social rights (pension, access to healthcare during holidays) or make these rights transferable, for instance, through bilateral or multilateral social security agreements. This domain also includes a cultural aspect when States offer educational programmes for the descendants of emigrants or support cultural centres or schools abroad. Finally, States can implement other policies of recognition, such as holding Diaspora conferences for instance, celebrating the achievements of diaspora members.¹⁰⁴

With respect to the modalities of destination countries, there are also different approaches States adopt in dealing with diasporas. In line with globalization and development goals, some states may choose more inclusive policies toward immigrants. Newland (2012) discusses collaboration policies between countries of origin and destination and proposes a co-development approach that puts diaspora populations at the centre of partnership.¹⁰⁵ Co-development approach sees diaspora and its members as a link between two countries that share a past and a present reality of migration. This approach aims to foster integrated immigration and development so that migration would benefit both countries, origin and destination, and will not represent a loss for the origin country.¹⁰⁶

Another approach that is also debated in academia is the leveraging approach. This approach considers diasporas as resources that have the potential to increase the development goals and the foreign policy goals of the destination or origin country. Leveraging diasporas draws on diaspora expertise in designing or implementing projects, using diaspora networks, and consulting with diaspora groups or individuals on specific issues.¹⁰⁷

There is no “one-size-fits-all” effective model for States to engage with diasporas. Exploring the term “diaspora” showed that different factors affect the understanding of diaspora in each context. Furthermore, each diaspora has a unique set of needs and capacity based on various aspects of past and present conditions. Nonetheless, a diaspora engagement strategy may include all or some of these characteristics considered in this section.

104. Østergaard-Nielsen, E. (2016). Sending Country Policies. In: Garcés-Masareñas, B., Penninx, R. (eds). *Integration Processes and Policies in Europe*. IMISCOE Research Series. Springer, Cham.

105. Newland, K. (2022) “Destination-Country Policies to Foster Diaspora Engagement in Development” (Migration Policy Institute).

106. Ibid.

107. Ibid.

IV

LEGAL FRAMEWORK AND RIGHTS OF DIASPORA

As was mentioned above, to extend the rights of nationals and diaspora abroad, States may enact special legislation regulating their relations with the diaspora. Creating a legal framework is an essential first step toward engaging with diasporas.

The legal framework for diaspora engagement may regulate different aspects, including enabling diasporas to acquire dual or multiple citizenships, or issuing special registration and identification cards that allow diaspora members to enter and stay in the country visa-free or flexible residence and visa arrangements to facilitate diasporas' access to their home countries.

Nationality / Citizenship

Dual and multiple citizenship is a complex legal concept still restrictively regulated within many national legal frameworks. When a person acquires citizenship of two or several States through naturalization and preserves their nationality by birth or descent – questions remain open regarding the implementation by an individual or a State of their rights and obligations arising from such citizenship. While dual and multiple citizenships have advantages for their owners, its regulation can lead to legal conflicts in practice if it is inconsistent.¹⁰⁸

Box 3: Citizenship / Nationality

European Convention on Nationality defines 'nationality' - as the legal bond between a person and a State that does not indicate the person's ethnic origin. 'Multiple nationality' in the European Convention on Nationality context means the simultaneous possession of two or more nationalities by the same person. The IOM uses one meaning for dual and multiple nationality: "Simultaneous possession of the nationality of two or more countries by the same person."



¹⁰⁸For example, when citizenship is granted to a child by jus soli (citizenship is acquired by birth within the territory of the State, regardless of parental citizenship), but the child's parent/parents' status is regulated by the principle of jus sanguinis (citizenship is determined or acquired by the nationality or ethnicity of one or both parents) how rights of citizenship can be claimed to one person – remain an open question in some States.

The IOM Glossary on Migration also indicates that the terms “citizen” and “national” are often used interchangeably to denote the legal bond between an individual and a State. While “nationality” is the preferred legal term, “citizenship” is used more broadly to describe the rights, duties and practices linked to this formal status. In specific national contexts, nationality may also imply belonging to a national or ethnic community.

Sources: European Convention on Nationality (1997) and IOM Glossary on Migration (2019).

States may choose different ways to regulate dual and multiple citizenships by (1) limiting and reducing dual or multiple citizenships; (2) regulating dual or multiple citizenships; (3) promoting or maintaining dual or multiple citizenships. More than one of these strategies may apply simultaneously, and States’ freedom and discretion concerning their policy in this matter requires adherence, at the same time, to their obligation to avoid any statelessness status of persons.¹⁰⁹ Accordingly, States may consider providing safeguards against statelessness by recognizing dual nationality for children born to parents of different nationalities and for spouses married to foreigners who expressed their wish to acquire the nationality of their spouse without losing their nationality of origin.¹¹⁰

Despite open questions and perspectives of dual and multiple citizenships, the concept is gaining popularity. Migration and globalization have led to multicultural and transnational societies where individuals have feelings of attachment to more than one country. Allowing dual or multiple citizenships is a means of acknowledging these interrelating connections or recognition of transnational affiliations of a person.



Box 4: Dual and multiple citizenships in the Europe region

At the European regional level, the issue of dual and multiple citizenships/nationalities is also an evolving subject. The Convention on the Reduction of Cases of Multiple Nationality and on Military Obligations in Cases of Multiple Nationality (1963) aimed to limit individual cases of dual and multiple citizenships among minors and adults. The Protocol amending this Convention (1977) was adopted to reduce further the problematic instances

109. International Law Commission, Third Report on Nationality in Relation to the Succession of States by Václav Mikulka, Special Rapporteur (including Add.1/Corr.1), 16 April 1997, A/CN.4/480/Add.1/Corr.1.

110. United Nations General Assembly, 2017 Human Rights Council Thirty-sixth session. Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General (A/HRC/36/30) Para. 23.

of dual and multiple citizenships. This Protocol also established the need for State parties to inform each other of the acquisition of their nationality under certain conditions. In 1997 European Convention on Nationality was adopted that considered a more progressive approach to cases of multiple citizenships and preserved the freedom of the States concerned to follow any policy they consider appropriate.

Source: The Convention on the Reduction of Cases of Multiple Nationality and on Military Obligations in Cases of Multiple Nationality (1963) and the Protocol amending this Convention (1977).

Political and economic rights for citizens abroad

Providing the right to vote is another tool that States of origin use to engage with citizens abroad who constitute diasporas. Analysis of four world regions – namely, Africa, the Americas, Asia-Pacific, and Europe – revealed that almost half (49%) of 84 countries have legislation allowing citizens to vote in national elections if they live in another country. Only 15 per cent enacted certain conditions (e.g. the number of years residing abroad)¹¹¹ while voting from abroad. In some cases, voting from abroad is reported to be costly and logistically complicated. Therefore, some States face challenges in managing such elections.¹¹²

A few countries allow diaspora representatives (i.e. citizens abroad) to have a seat in the national parliament or provide citizens abroad to elect their representatives in the parliaments. Of the 462 seats in Algeria’s National Peoples’ Assembly, eight are reserved to represent Algerian citizens residing abroad.¹¹³ Cabo Verde provides six seats in the Parliament for citizens abroad to present the interests of diaspora members. The seats are equally divided between diaspora representatives from the Americas, Africa and Europe.¹¹⁴ In 2017 the Senegalese National Assembly adopted a law establishing the election of fifteen parliamentarians (out of 165) from the diaspora.¹¹⁵ In 2019, Mauritania also granted its nationals living abroad the right to contest in parliamentary elections. Four parliamentary seats are given to the Mauritanian diaspora in Africa, Asia, Europe and America.¹¹⁶

111. International Organization for Migration (IOM), 2022. Migration Governance Indicators Data and the Global Compact for Safe, Orderly and Regular Migration: A Baseline Report. IOM, Geneva.

112. Wellman, E. (2020). “Emigrant Inclusion in Home Country Elections: Theory and Evidence from sub-Saharan Africa”. *American Political Science Review*, 115(1).

113. Migration Policy Centre (2013). EU Neighbourhood Migration Report.

114. Comissão Nacional de Eleições (2021). *Legislativa*. (accessed 10 April 2022).

115. Ministry of the Interior and Public Security of Senegal, *Decree No. 2017-412* of 15 March 2017 on the distribution of the seats of deputies to be elected by departmental majority ballot during the legislative elections (accessed 10 April 2022). Jeuneafrique (2017). *Sénégal: quinze députés pour la diaspora*, (accessed 10 April 2022).

116. Yabiladi, “Unlike Morocco, Mauritania allows its nationals living abroad to vote during elections” (2019).

Providing property rights, or ensuring ease of access to lands, or reducing tax rates for diaspora members abroad are other means of engaging diasporas. For instance, Nigeria offers “Nigerian in the Diaspora” mortgage loans to build or buy houses in Nigeria. Nigerian National Diaspora Policy underlines that the “Government shall continue to encourage relevant institutions to develop appropriate programmes and measures to promote Diaspora investment in housing, rural and urban development in Nigeria”.¹¹⁷ Zambians in the Diaspora are provided with the right to own land. Zambia plans to provide information on land availability and acquisition procedures and ensure that processes are facilitated through electronic systems.¹¹⁸

An increasing number of governments have introduced a tax exemption on diasporas’ belongings imported from abroad, particularly for those citizens who want to return permanently. For instance, Mali exempts customs duties and fees on importing household goods for all Malian migrants who return permanently to the country. Mexico, Colombia, Ecuador and the Philippines offer similar benefits for goods and cars. In addition, States launch finance and business facilitation programmes for citizens living abroad (India, Mexico, Ethiopia, Ghana, Israel and the Philippines).¹¹⁹ Some countries facilitate the diaspora’s short-term and tourist home visits and create a “one-stop shop” for investment (for instance, Eritrea, Ghana). Such engagement encourages diaspora to invest, to save and to share skills and knowledge, allowing States to benefit from it.

Dedicated institutions or focal points to engage with the diaspora

Government structures or mechanisms at all levels, including focal points in diplomatic or consular missions, are recognized tools for diaspora engagement. Origin countries are more likely to have an institution responsible for implementing emigration and diaspora policies and engaging with their diaspora population than destination countries.¹²⁰ By 2014, 110 of the 193 United Nations Member States maintained at least one diaspora institution, and at least 47 States had more than one.¹²¹ In 2022, among 84 countries of Africa, the Americas, Asia-Pacific and Europe, 68 per cent have a government agency responsible for implementing emigration and diaspora policies practically. Only 37 per cent of countries formally engage diaspora members in agenda-setting and development policy implementation.¹²²

117. Federal Republic of Nigeria (2021). *National Diaspora Policy* (accessed 10 April 2022).

118. Zambia Ministry of Foreign Affairs, *Diaspora Policy* (2019) (accessed 10 April 2022).

119. Ionesco, D. (2006).

120. International Organization for Migration (IOM), 2022. *Migration Governance Indicators Data and the Global Compact for Safe, Orderly and Regular Migration: A Baseline Report*. IOM, Geneva.

121. Gamlen et al. (2019). “Explaining the Rise of Diaspora Institutions”. *Journal of Ethnic and Migration Studies*, 45.

122. IOM, *Migration Governance Indicators Data* (2022).

Recognition systems

Rewards and formal recognition systems also became diaspora engagement strategies. A reward mechanism for diaspora members will potentially increase engagement, raise awareness, and generate substantial goodwill. While it may be considered in some cases unnecessary, an act of recognition or appreciation, in fact, is likely to provoke a positive reaction from the diaspora. It would help highlight many of the efforts of specific individuals or organizations, which can otherwise go unrecognized.¹²³

Over the past decades, States implemented various rewards and recognition initiatives as a part of their diaspora engagement strategy. Some of them included but are not limited to the following:

- Creation of a formal civic honours system.
- Universities acknowledgement, i.e. providing honorary degrees or offering visiting fellowships for the successful members of the diaspora.
- Creation of networks or public councils under diplomatic missions abroad.
- An invitation to visiting tours to a homeland for the diaspora members for business initiatives or other development opportunities.
- Organization of an annual platform for diaspora members to share experience, establish or support the network and develop cooperation.
- Membership in a recognized body of advisors, with a working title. Such an appointment suggests that the person is in a privileged position to help homeland companies, agencies, organizations, or Governments and is an acknowledgement of their global expertise.¹²⁴

Box 5: Formal recognition systems in action

In 2001, New Zealand launched the “World-class New Zealand Awards”, one of the country’s most important recognition events for outstanding individuals who have made significant contributions to New Zealand’s success on the world stage. This initiative aims to better understand and explore Kiwis through goodwill and connection for the benefit of New Zealand and to provide the New Zealand diaspora with the information and support they need to thrive. Annually the Award is hosted by high-level officials, and more than 500 participants, including New Zealand business leaders, participate.



123. Aikins, K. and N. White (2011). *Global Diaspora Strategies Toolkit*. *Diaspora Matters*.

124. *Ibid.*

In 2017 the Government of Côte d'Ivoire launched the Diaspora Portal to recognize Ivorians Living Abroad's contribution to national funding and public development assistance. The web portal aims to consolidate information on the diaspora, opportunities for investment and available support for potential investors.

Sources: Kea New Zealand, Building a stronger New Zealand (2022); IOM, Migration Governance Indicators: The Republic of Côte D'ivoire (2019).

COUNTRIES OF ORIGIN PRACTICES: A CASE STUDY FROM THE REGIONS



Africa: Ghana

Background information about the diaspora

Ghana has a considerable and increasing emigrant population. Ghanaians live in neighbouring Nigeria and other distant destinations like the United States of America, the United Kingdom of Great Britain and Northern Ireland, Italy, Netherlands and Germany.¹²⁵ Ghana receives a significant contribution from its citizens and diaspora abroad, and remittances become a driver to engage their diaspora.¹²⁶ The remittances to Ghana are estimated to be more than USD 2 billion annually, including philanthropic donations.¹²⁷

Ghana adheres to a broad approach considering the diaspora definition. It includes in this definition individuals who have left their country and people of African descent who trace their roots to Ghana.

Box 6: Definition of the “diaspora” in policies of Ghana

“Diasporas are broadly defined as individuals and members or networks, associations and communities who have left their country of origin but maintain links with their homelands”.

“Diaspora – Ghanaians who have migrated and are resident outside Ghana; Ghanaians born to Ghanaian parents (either one or both) living outside Ghana, described as second and third generations; the youth (who migrated from Ghana or were born abroad); descendants of enslaved Africans and all persons of African descent who have historical and cultural ties with Ghana and also have interest in Ghana’s development”.

Source: National Migration Policy for Ghana (2016) Section Glossary of Terms. Draft of Diaspora Engagement Policy for Diaspora (version of April 2020) Section Glossary of Terms.



125. IOM (2019). Migration in Ghana. A Country Profile.

126. Rietig, V. and A. Fakhry. “How to Talk About Migration in Africa: Classic Hurdles and Six Recommendations for European Policymakers (2022 DGAP Report No. 2).”

127. Ministry of Foreign Affairs and Regional Integration, Draft of “Diaspora Engagement Policy for Ghana” (April 2020).

While tracing the development of relations between Ghana and its diaspora, it is apparent that it intensified in the late 1990s. The first Emancipation Day and the Pan-African Festival of Arts and Culture (PANAFEST) were held in 1998; the Homecoming Summits were launched in 2001 (and then conducted in 2009 and 2019), and in 2007 Ghana implemented the Joseph Project, amongst others.

Later Ghana introduced significant institutional and legal developments to continue engagement with the diaspora. In 2003, a Non-Resident Ghanaian Secretariat was established to coordinate diaspora activities. In 2006, the Representation of the People Amendment Act was passed to integrate the Ghanaian diaspora into political life. In 2007, the Government created the Ministry of Tourism and Diasporan Relations to promote and handle diaspora-related issues. In 2012, the Diaspora Support Unit within the Ministry of Foreign Affairs and Regional Integration was established, which was upgraded in 2014 to a Diaspora Affairs Bureau (currently, the Diaspora Affairs Unit). In 2017, the Diaspora Affairs Office at the Office of the President was established.¹²⁸

In 2006, the African Union adopted its African Common Position on Migration and Development, providing recommendations for Member States to address migration and development issues.¹²⁹ One of the recommendations called to work “toward the elaboration and implementation of policies that facilitate the Diaspora participation in the development of African countries”.¹³⁰ In 2016, Ghana presented a draft of its Diaspora Engagement Policy which is yet to be approved by the executive cabinet of the Ghanaian Government.

Diaspora engagement policies

Ghana demonstrates dedication to managing migration, and its policy adoption in this area is dynamic. However, the development of policy documents has often been prolonged for years. Discussions for a National Migration Policy started in 2012 and were completed in 2016 with the adoption of the policy.¹³¹ Although the National Migration Policy covers many migration-related issues, including diaspora engagement, Ghana launched a separate National Labour Migration Policy in 2018,¹³² which was adopted in 2020.¹³³ The Diaspora Engagement Policy drafting began in 2015, and the process is still ongoing.¹³⁴

The National Migration Policy for Ghana (NMP 2016) outlines broad policy objectives and strategies for managing migration. It highlights the importance of creating a framework for diaspora engagement that would “mobilize and maximize” the potential contribution of Ghanaian diaspora groups.¹³⁵ The NMP 2016 includes the following key areas important for diaspora engagement:

128. Ibid.

129. African Union, African Common Position on Migration and Development, Executive Council Ninth Ordinary Session, June 2006.

130. Ibid.

131. Ministry of the Interior, National Migration Policy for Ghana (April 2016).

132. IOM, Migration Governance Snapshot: The Republic of Ghana (May 2018b).

133. Ministry of Employment and Labour Relation of Ghana, [National Labour Migration Policy 2020-2024](#) (accessed 10 August 2022).

134. GFMD, [Integrate the Diaspora in Ghana's National Development Agenda](#) (accessed 10 August 2022).

135. National Migration Policy for Ghana (April 2016).

- **Remittances and Development.** Ghana indicates that it “recognizes the positive contribution of remittances and is committed to maximizing the benefits and minimizing the challenges of remittance flow”.¹³⁶ Thus, the NMP 2016 has the following tasks: to assess the remittance-development nexus, reduce barriers to remittances, and leverage the potential of remittances for national development.

- **Diaspora Resources and Development.** Under this objective, Ghana plans to develop a shared database on the Ghanaian diaspora, mainstream diaspora investments, skills, and knowledge transfer into development planning, facilitate citizenship and residency rights, and initiate processes to achieve portability of social security of diaspora to encourage their return.

- **Dual Citizenship and Transnationalism.** The NMP 2016 indicates that dual citizenship enables emigrants to access “basic rights and freedoms” both in the country of destination and origin.¹³⁷ However, emigrants may have limited awareness of civic responsibilities. Also, dual citizenship may have other negative consequences like “divided loyalty, non-payment of taxes, conflicting legal regimes, and unequal advantages”.¹³⁸ To address these issues and maximize the benefits of dual citizenship and transnationalism, Ghana seeks to promote education on citizenship and transnationalism, establish a database profiling dual citizens, promote cooperation and dialogue with dual citizens and explore the dual citizenship, transnationalism, and development nexus through research and data gathering.¹³⁹

The National Labour Migration Policy (2020–2024) lays out four priorities:

- Establishing good governance (including ethical recruitment, government coordination, and cooperation with destination countries).
- Protecting migrant workers and their families.
- Maximizing the development benefits of migration.
- Improving data collection.

The draft Diaspora Engagement Policy for Ghana (DEP draft) is guided by Gamlen’s framework on diaspora engagement policies.¹⁴⁰ It is worth mentioning that during the development of the DEP draft, MFA collected inputs from diaspora organizations abroad and put them together in a draft after regional consultations.¹⁴¹ Based on this categorization, the DEP draft provides broader diaspora engagement areas than Ghana’s NMP 2016:

136. Ministry of Interior of Ghana, Letter of Acting Head of Mission of Ghana in Geneva to Office of the High Commissioner of the Human Rights, 8 December 2016. Section 10 “Diaspora, Dual Citizenship, and Transnationalism”.

137. Ibid.

138. Ibid.

139. Ibid.

140. Ministry of Foreign Affairs and Regional Integration, Draft of “Diaspora Engagement Policy for Ghana” (April 2020).

141. Segadlo, N. (2021.) Navigating through an external agenda and internal preferences: Ghana’s national migration policy, Discussion Paper, No. 8 Deutsches Institut für Entwicklungspolitik (DIE), Bonn.

- To promote capacity-building and enhancement of diaspora-homeland relationship for the mutual benefit of both parties.
- To provide legal instruments and programmes that extend some rights and privileges that Ghanaians in Ghana enjoy to their counterparts in the Diaspora.
- To strengthen systems for involving the Ghanaian Diaspora in mobilizing resources for sustainable national development.
- To facilitate the production and dissemination of accurate and relevant data on the Ghanaian Diaspora in a timely manner to strengthen the homeland's further sustainable engagement with the Diaspora.¹⁴²

The DEP draft presents specific goals for these four strategic objectives and proposes strategies to achieve them. There are seven policy areas and their outcomes indicated in the draft DEP:

- Enhance diaspora-homeland relationship through symbolic nation-building and strengthen institutional capacity.
- Extending rights to Ghanaians in the Diaspora.
- Enhance mobilization of remittances and leverage investment benefits.
- Integrate African Diaspora into the Ghanaian economic development process.
- Provide opportunities for second and third generation as well as youth diasporas to choose to be part of the development process in Ghana.
- Connect the Diaspora with their Homeland through Tourism and Cultural Heritage.
- Effectively Reintegrate and Harness the Skills of Readmitted and Returning Ghanaian Diaspora.¹⁴³

Thus, Ghana's DEP draft has broad objectives combining different types of engagement policy aimed at capacity-building, extending rights, extracting obligations while focusing on Ghanaians abroad, and preserving the previous focus on the diaspora of African descent (See Table 10).

Diaspora engagement institutions

The Ministry of Foreign Affairs and Regional Integration oversees the promotion and protection of the interest of Ghana and Ghanaian nationals abroad. In this regard, the Foreign Ministry is responsible for Consular services and the welfare of Ghanaians living abroad, "including Ghanaian emigrants," including compiling, processing and analysing data of Ghanaians abroad.¹⁴⁴ In 2012, Ghana established a Diaspora Unit which, later in 2014,

142. Ibid.

143. Ibid.

144. UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) Consideration of reports submitted by States parties under article 73 of the Convention pursuant to the simplified reporting procedure. Initial reports of States parties due in 2004, Ghana. 2014 CMW/C/GHA/1.

was restructured into the Diaspora Affairs Bureau (DAB). In 2017, the President of Ghana created the Diaspora Affairs Office under the Office of the President (DAOOP) as a focal point to show the Government's commitment to the diaspora.¹⁴⁵

The DAOOP works in partnership with State institutions, Ghanaian associations abroad, international organizations and NGOs to promote the interest of Ghanaians in the diaspora, explore more meaningful ways the diaspora could contribute to Ghana's socioeconomic development, and create awareness about the adverse effects of irregular migration. The DAOOP strategy includes creating awareness about opportunities for diaspora business investments in Ghana, lobbying for political inclusion of Ghanaians living abroad, and transforming remittances into sustainable development finance.

Within the DEP draft, Ghana plans further to reform the institutional mechanisms for the effective coordination and administration of diaspora-homeland relationships. For this, several measures are envisaged in the DEP draft. These measures are aimed at assessing the composition and structure of existing hometown associations, strengthening transnational networks at different spatial levels (i.e. community, town, city, regional and national), increasing the diaspora's trust in Ghanaians in general and the Ghana Government and its institutions, and enhancing Ghanaian diaspora professional transnational networks for knowledge transfer and collaborations, especially among the young diasporas. It is indicated that this will be reached through collaboration at the State level, capacity-building, development of communication strategies, and promotion of transnational partnerships among diaspora and hometown associations.¹⁴⁶

It should also be emphasized that, at the institutional level, the Ghana Investment Promotion Centre has additionally established a Diaspora Investment Desk to provide tailored support to the Ghana diaspora seeking to make any investment in Ghana. This Desk assists with invitation letters to investors upon request, facilitates emergency entry visas for business meetings, sets up meetings with relevant government agencies and private sector associations and assists in due diligence and company background checks.¹⁴⁷

Dual citizenship

The Constitution of Ghana provides for dual citizenship.¹⁴⁸ The Ghana Citizenship Act, 2000 (ACT 591) also states that "a citizen may hold the citizenship of any other country in addition to the citizenship of Ghana".¹⁴⁹ Persons with dual citizenship cannot hold specific governmental positions in Ghana (official position in Justice System, Tax and Immigration Service, Army, and Security services).

The DEP draft underlines that the current trend of "dual citizenship in most African countries has both positive and negative implications". Nevertheless, dual citizenship is recognized as an essential means of diaspora engagement in the current NPM 2016 and DEP draft for Ghana.

145. African Union, Diaspora Engagement Self- Assessment (2019).

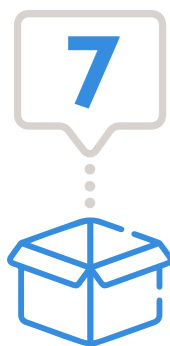
146. Ministry of Foreign Affairs and Regional Integration, Draft of "Diaspora Engagement Policy for Ghana" (April 2020).

147. The Ghana Investment Promotion Centre official website <https://gipc.gov.gh/the-centre/> (accessed 10 August 2022).

148. Constitution of Ghana (1992), Article 8.

149. Citizenship Act, 2000 (ACT 591) Section 16.

Ghanaians, their descendants, and people of African descent also have the Right of Abode as stated in Immigration Act 573, Act 2000. Right of Abode (ROA) is a permit that could be given to “a Ghanaian by birth, adoption, registration or naturalization with the meaning of the Citizenship Act who, because of this acquisition of foreign nationality, has lost his Ghanaian citizenship and a person of African descent in the Diaspora.” Right of Abode (ROA) is not citizenship; however, it confers certain residence rights on the holder.



Box 7: Right of Abode

The holder of ROA enjoys the following:

- The right to live indefinitely in Ghana.
- The right to enter Ghana without a visa.
- The right to work or be employed without a work permit.
- The holder is subject to the laws of Ghana.

The dependents of a ROA holder are eligible to join or remain with the holder on dependent permits. Dependents of ROA status do not qualify for the status of ROA, and they need to qualify to be eligible for the ROA status.

For a person of African descent in the Diaspora who wishes to be considered for a ROA status, there are a couple of requirements to be fulfilled. First, a person’s “good character” needs to be “attested to by two Ghanaians who are notaries public, lawyers, senior public officers, or other persons approved by the Minister of Internal Affairs.”¹⁵⁰ Second, the person must not have been convicted or sentenced for any criminal offence and must provide evidence of “financial standing”. Also, a person needs to be an adult, have independent means and be “in the opinion of the Minister” (this refers to the Minister of the Interior) capable of making a “substantial” contribution to the development of Ghana.¹⁵¹ Finally, the candidate for this status must have lived in Ghana for a total period of seven years. The candidate must live in Ghana for a continuous period of two years immediately preceding the application.¹⁵² The application must be made in person. A Ghanaian national who has acquired another nationality, that does not allow for dual citizenship, can also apply and be granted a right of abode, without having to provide proof of financial standing.¹⁵³

150. Ghana Immigration Act 2000 (ACT 573) Section 17.

151. Ibid.

152. The Immigration Regulations, 2001 (LI 1691), Regulation 13.

153. Ibid.

Some of the established requirements may provide discretion for the officials – such as the criterion that a person must be attested to having “a good” character and capability of making a “substantial” contribution. The legislation does not contain standards for these.

Scholars also considered challenging the requirement that the applicant must not have committed any offence. Reaching this threshold could be difficult for former convicted political activists and men and women convicted even for minor crimes, especially in jurisdictions where the criminal justice system is imperfect.¹⁵⁴ Nevertheless, in 2019, around 126 descendants were granted Ghanaian citizenship.¹⁵⁵

Ghana also uses the national identity card called “Ghana card” issued by the Ghanaian authorities to Ghanaian citizens – both residents and those abroad.

Box 8: Ghana card

Ghana card – is a secure and multi-purpose card that will establish the biometric identity of bona fide holder for verification and authentication of electronic and physical transactions to be conducted in the public and private services space.

Source: National Identification Authority.



All Ghanaian citizens by birth (descent), registration or naturalization aged zero years and above and currently resident in Ghana or abroad are qualified to receive the Ghana card. Obtaining this card is not obligatory; however, many governmental and private agencies now require the Ghana card to provide Ghanaian citizens with the needed services. Institutions such as hospitals, schools, banks, insurance companies, and telecommunication companies are examples of agencies that may require this card. “Ghana card” replaces other documents needed to access social services such as Health, Education, Communications, Insurance, and banking and substitutes for the Voter ID. It can also be used for international travel within the Economic Community of West African States (ECOWAS) region and countries with bilateral agreements with Ghana.

Political rights of diaspora

Ghana’s diaspora has long been interested in politics and political discourse in the country despite their absence from home, and they lobbied for granting the right to vote.¹⁵⁶ In 2006, the Representation of the People Amendment Law (ROPAL) 699 provided citizens

154. Schramm, K. (2020). Diasporic Citizenship under Debate Law, Body, and Soul. *Current Anthropology*, 61(22).

155. Kwaku Arhin-Sam et al. (2021). “Ghana as the EU’s Migration Partner: Actors, Interests, and Recommendations for European Policymakers” (Migration Program of the German Council on Foreign Relations (DGAP)).

156. Newland, K., (2010). *Voice After Exit: Diaspora Advocacy* (Washington, D.C. Migration Policy Institute).

of Ghana residing abroad and those with dual citizenship a right to be registered as a voter to participate in the elections.¹⁵⁷ The Law also defined that potential voters can register for voting abroad in diplomatic missions or designated institutions.¹⁵⁸



Box 9: Voting in Ghana and from abroad

The Constitution declares that “every citizen of Ghana of eighteen years of age or above and of sound mind has the right to vote”. Voting in Ghana is voluntary. Electors can vote at a specified locality where they are registered at national elections and a “designated” polling station.

The Public Elections Regulations (2016) provide absentee voting and proxy voting. However, there is no information on how these guarantees are translated into practice for voters abroad. The Regulation establishes that Ghanaian citizen abroad who wishes to participate in Ghana’s elections must have a valid Ghanaian passport, a valid resident permit, and proof of dual citizenship. Registration centres and polling stations must include places where Ghana has diplomatic missions and in countries with a Ghanaian population of at least 500.

The guarantees established in the ROPAL have not been implemented. In 2014, the UN Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) noted that the mechanism to vote in Ghana is “inadequate”, and Ghanaians abroad cannot exercise this right and participate in public affairs.¹⁵⁹ The need was also noted to have a road map or modalities to implement the ROPAL and support the law’s implementation.¹⁶⁰ In 2017, the Supreme Court of Ghana, after considering the application of Ghanaian citizens living abroad against the Electoral Commission of Ghana, issued a ruling over the non-implementation of ROPAL and ordered a ruling binding the Electoral Commission to take all necessary steps to enable Ghanaians living abroad to vote in the 2020 elections.¹⁶¹ Considering these challenges, the draft of the Ghanaian Diaspora Engagement Policy highlights that it has been practically impossible to implement the ROPAL “due to resources and other constraints”.¹⁶² It underlines that Ghana is planning to remove all “operational barriers preventing the implementation of the ROPAL”.¹⁶³

157. Parliament of the Republic of Ghana, Act 699 Representation of the People (Amendment) Act, 2006.

158. Ibid.

159. CMW, Concluding observations on the initial report of Ghana (2014CMW/C/GHA/CO/1).

160. Parliament of Ghana Library Repository, 2019 Statement by Honourable Ekow Kwansah Hayford, Member of Parliament for Mfantseman Constituency on working towards a smooth implementation of the Representation of the People (Amendment) Act 2006 Act 699 (ROPAA) in the 2020 elections.

161. Pulse, *US-based Ghanaians drag EC to court over ROPAA* (2017) (accessed 10 April 2022).

162. Ministry of Foreign Affairs and Regional Integration, Draft of “Diaspora Engagement Policy for Ghana” (April 2020).

163. Ibid.

Enhancing economic and social rights for diaspora

Ghana’s investment legislation is considered welcoming to foreign investment¹⁶⁴. There is no discrimination in legislation against foreign-owned businesses. The investment law protects investors against expropriation and nationalization, and guarantees profits transfer abroad.¹⁶⁵ However, some procedures are considered bureaucratic, and land tenure systems are complex, complicated by inflation, and have a high energy cost. In addition, many Ghanaian emigrants are still not aware of the investment opportunities in the country. The Ghana Investment Promotion Centre (GIPC) was established as a key agency in attracting large-scale diaspora investment to overcome the challenges.¹⁶⁶ GIPC has a Diaspora Investment Desk, which looks to support viable businesses and opportunities.

The draft of DEP underlines the need to leverage investment benefits and privileges that accrue to members of the Ghanaian Diaspora coherently and sets out several areas of policy development. Some of them are: to promote foreign direct investment options in Ghana among the Ghanaian Diaspora, assess and increase the range of investment opportunities for the Ghanaian Diaspora, maximize investments from diaspora transnational business networks, and reduce the cost of investments in Ghana by providing the diaspora with the relevant local knowledge on investment and investment culture in Ghana, strengthen Ghanaian missions abroad to provide support to small and medium-sized entrepreneurs to register their businesses in the host country, design attractive financial packages to foster diaspora investment for development in the origin country and other measures.¹⁶⁷

Ghana also plans to encourage health and education tourism for Ghanaian diasporas and improve the quality of healthcare and education. Removing obstacles to land acquisition for private and business purposes is also indicated in the draft of the DEP.

Box 10: The “Year of Return”

The “Year of Return” is a significant landmark national diaspora project targeting the African American and diaspora to mark 400 years of the first enslaved African arrival in Ghana. One of the main goals of the “Year of Return” campaign is to position Ghana as a key travel destination for African Americans and the African Diaspora. The Ghana Tourism Authority (GTA), under the auspices of the Ministry of Tourism, Arts, and Culture, is leading the “Year of Return” initiative in collaboration with the Office of Diaspora Affairs at the Office of the President. Some activities include African festivals, the Pan-African Student Summit, Panafest, Emancipation Day, healing concert, investment forum, film festivals, lecture series, world tourism day and creative art shows.

Source: Official website of “Year of Return” Project (2022).

164. US Department of State, *2019 Investment Climate Statements: Ghana* (accessed 10 April 2022).

165. Republic of Ghana, Ghana Investment Promotion Centre Act, 2013 (Act 865) Section *Investment Guarantees*.

166. *Ghana Investment Promotion Centre* (accessed 10 April 2022).

167. Draft of “Diaspora Engagement Policy for Ghana” (April 2020).



In addition, the draft DEP also takes into account the need for portability of social security benefit. Ghanaians who return home before retirement do not receive social security benefits. There are no bilateral agreements between Ghana and the host countries that facilitate the transfer of social security savings to Ghana. Also, there are no programmes that allow Ghanaians living in other countries to register for social security schemes in Ghana.¹⁶⁸ Therefore, the draft DEP proposes the following:

- To develop mechanisms to achieve the portability of Ghanaians' social security in the diaspora. It is planned to provide opportunities for Ghanaian emigrants to join social security schemes in Ghana voluntarily. Also, to allow the Ghanaian Diaspora who contributed to the social security scheme in Ghana before leaving to continue with the system while away and be able to access their benefits irrespective of their residential status or spatial location. Finally, develop voluntary insurance schemes for Ghanaians living abroad.
- Enact new laws to facilitate the implementation of ILO standards, enter into bilateral social security portability agreements with major host countries and develop a framework for engaging major host countries of Ghanaian emigrants on social security portability.

Recognition of diaspora contribution

Ghana Diaspora Homecoming Summit started in 2001 with a mission to enhance sustainable mechanisms supporting and promoting full Diaspora participation in Ghana's development. After 2001, the Ghana Diaspora Homecoming Summit was held in 2017 and 2019. This Summit also aims to share with the Ghanaian Diaspora how far they have developed as a nation and the areas where Diaspora contribution (in terms of investing and volunteering skills, expertise, and resource) can further aid Ghana's socioeconomic development, maintain its position as the leading light of West Africa and eventually Africa as a whole.

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Box 11: Ghana Diaspora Celebration and Homecoming Summit

The Ghana Diaspora Celebration and Homecoming Summit 2019 was a four-day event recognizing and celebrating the immense contributions to nation-building by the Ghanaian Diaspora. The event highlighted past and present contributions while furthering the advocacy for political, economic, and other systems and policies that would facilitate future contributions by the Ghanaian Diaspora.

And considering the fourth centennial commemoration of the arrival of enslaved Africans in the western hemisphere, this event recognizes that the Ghanaian Diaspora extends beyond Ghanaian citizens or nationals and their immediate relatives and includes others outside the borders of Ghana, with roots in, or a strong vested interest in the country. This recognition is based upon the need and desire for a long-term engagement between Ghana and her important stakeholder constituency.

Source: Ghana Diaspora Celebration and Homecoming Summit 2019 official website.

168. Ibid.

Gender and Diaspora

The National Migration Policy for Ghana addresses the different needs of migrants (men and women) and members of their families.

Migration affects men and women differently, resulting in engendered patterns of migration. Migration laws and policies also have engendered outcomes, costs and benefits. They [women] face dangers to their health and welfare, often faced with harassment, crime, and exploitation. Migration, however, can also serve as a benefit to women who can gain employable skills. Gender is one of the most important factors shaping modern day migration and national development; and needs to be mainstreamed as part of an effective migration management policy.¹⁶⁹

However, the section "Diaspora Resources and Development" of the National Migration Policy for Ghana does not contain information about the specific needs/barriers women in the Ghanaian diaspora may have and measures to address them.

The draft DEP highlights the vulnerability of women and children in Ghana from a health, social and reintegration perspective. Still, it does not provide specific measures from a gender perspective for women in the diaspora to assess their needs, challenges, or achievements and how women in the diaspora can contribute to the policy implementation.

Ghana has a separate National Gender Policy (2015), which envisages measures to integrate gender into governing migration. It contains measures to collect disaggregated gender statistics on all migration records and document benefits and remittances related to the migration of men and women. The National Gender Policy for Ghana also contains measures to develop a partnership with the diaspora for resource mobilization to implement gender policy in Ghana.¹⁷⁰ In recent years, there have been precedents when the Ghanaian Ministry of Gender, Children and Social Protection called diaspora to promote Ghanaian women's rights and highlighted the importance of instilling in children the understanding of the culture and values.¹⁷¹

Box 12: Examples of activity of women in Ghana's diaspora

The reaction of women in Ghana diaspora to COVID-19 threats

The non-governmental organization headquartered in the United Kingdom, Ghana Diaspora Women (GDW), has called on the Ministry of Education and the Ghana Education Service to shut down Senior High Schools that have reported cases of COVID-19. In a statement issued by the GDW and signed by its Founder Marie Amoakwa-Boadu, the GDW reiterated that "COVID -19 is a continuously growing threat" to Ghana as a nation. The GDW urged "decision-makers to act promptly and, if possible, cancel all exams for the year as they have been cancelled in the UK."

169. Ibid. Section 8.1. Migration and Gender.

170. Ministry of Gender, Children and Social Protection "National Gender Policy. Mainstreaming Gender Equality and Women's Empowerment into Ghana's Development Efforts" (2015).

171. GhanaWeb, "Gender Minister urges Ghanaians in the diaspora to promote made in Ghana products" (accessed 10 April 2022).

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Ghana Diaspora Women's donation activity

Ghana Diaspora Women (GDW), a non-profit organization, donated assorted items to the Gbi Special School at Gbi-Kledzo in the Hohoe Municipality of the Volta region. Donating books and sanitary pads forms part of the organization's support for special children and girl-child educational improvement.

Sources: Ghana Diaspora Women donate to Gbi Special School.

Conclusion

Ghana is among a few countries considering developing a separate diaspora engagement policy. Although adopting this policy has not yet been finalized, it focuses on building closer ties with Ghanaian diaspora and encouraging foreign direct investments, remittances, and skills transfers. At the same time, the draft policy also covers political and economic and social rights. Ghana also recognizes the importance of gathering more comprehensive information about its diasporas. In addition, it broadly covers the Ghanaian diaspora and includes the African Diaspora in this term. It is also necessary to mention that the National Migration Policy (2016) recognizes the specific needs of female migrants. However, the DEP draft highlights, although does not specify the needs of women in the diaspora.

TABLE 2: Diaspora rights in Ghana

The term "diaspora" is used, or the definition is established in legislation	Other terms used to describe "diaspora"	Institutions for diaspora engagement are established	Diaspora	The gender-based approach is used in diaspora-related policies
Yes. Policies define the term "diaspora".	Not applicable.	Yes. The Diaspora Affairs, Office of the President.	A draft is developed but not adopted.	Yes, policies are gender sensitive.
Other policies also regulate diaspora engagement	Dual citizenship is allowed	Voting rights for citizens living abroad are provided	Voting from abroad is possible	The right to be elected in the home country/ host country is established
Yes National Migration Policy (2016) National Labour migration policy 2020-2024.	Yes It established in Constitution (1992) and the Citizenship Act (2000).	Yes It established in ROPAL 2006 (Act 699).	Yes But it is <u>not</u> implemented in practice.	No
Specific identification schemes are applicable (i.e. identification cards)	Diaspora engagement policies encourage the diaspora to invest in their home country	Diaspora engagement policies guarantee social rights	Diaspora	A Recognition system is existing
Yes But it is <u>not</u> implemented.	Yes	Yes	Yes	Yes

Americas: Mexico

Background information about diaspora

Globally, Mexico is the second largest country of origin, with a population of about 11 million migrants abroad.¹⁷² It has long been a country of emigration and transit, and it is increasingly becoming a country of destination for migrants and asylum-seekers.¹⁷³

Mexico and the United States of America have one of the main migratory corridors in the world; predictably, the number of Mexican migrants residing in the United States is significant. An IOM study conducted in 2021 identified that out of 770 Mexican diaspora organizations in different parts of the world, 97 per cent are based in the United States.¹⁷⁴ The New Migration Policy Programme 2018–2024 (*Nueva Política Migratoria del Gobierno de México 2018-2024*) indicates that around 98 per cent of Mexicans residing abroad are located in the United States.¹⁷⁵

The diaspora plays a considerable role in Mexico's economy through the remittances they channel yearly. In 2021, Mexico was among the top five remittances recipient countries.¹⁷⁶

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Box 13: Diaspora definition in Mexico

There is no definition of “diaspora” in diaspora related policies however Mexico uses the term “diaspora”. Also, it use terms “connacionales en el exterior” (nationals abroad) and “paisanos” (compatriots) in official documents and policies. In legislation, Mexico uses “connacionales” (nationals) and “Mexicanos en el exterior” (Mexicans abroad) when describing Mexicans living abroad and their descendants.

To encourage further remittances from emigrants, Mexico established the Co-development Programme 3 x 1. This programme supports the initiatives of organized migrants participating in projects that contribute to the development of their communities of origin through contribution at federal, state, and municipal levels.¹⁷⁷ Mexican diaspora also invests in the business, transfers of knowledge, and constitutes a market for exports of Mexican products.¹⁷⁸

172. McAuliffe, M. and A. Triandafyllidou (eds.), (2021). *World Migration Report 2022*. International Organization for Migration, Geneva.
173. Ramón et al. (2022). Temporary Worker Programs in Canada, Mexico, and Costa Rica: Promising Pathways for Managing Central American Migration? Migration Policy Institute (MPI).
174. Chaves, M. and E. Aragón (2021). Engagement of the Diasporas of Central America and Mexico: Opportunities and Challenges (IOM).
175. Nueva Política Migratoria del Gobierno de México 2018-2024, Section 1.2. Aspects of the migratory phenomenon.
176. The World Bank, 2022. [Remittances to Reach \\$630 billion in 2022 with Record Flows into Ukraine](#). 11 May.
177. Government of Mexico, “3x1 Program for Migrants” Welfare Secretariat, 28 March 2017 (accessed 10 April 2022).
178. Bravo, V. and M. De Moya (2018). “Mexico’s public diplomacy efforts to engage its diaspora across the border: Case study of the programs, messages and strategies employed by the Mexican Embassy in the United States” (Volume 3, Issue 3).

Mexico developed a new narrative in the region vis à vis diaspora. According to this narrative, the physical absence of a person from the territory of birth, citizenship or nationality was no longer a sufficient condition to exclude them from public policies.¹⁷⁹ It is worth mentioning that this policy of engagement with diaspora influences other countries in the region as a successful model. Such a policy diffusion is also essential for Mexico as it is a way to channel their own interests in the region without exposing their countries to diplomatic tensions.¹⁸⁰

Diaspora engagement policies

Mexico has strong diaspora engagement policies implemented by the Foreign Affairs Ministry and the Institute of the Mexicans Abroad (IME, Instituto de los Mexicanos en el Exterior in Spanish). In 2018, the National Institute of Migration (Instituto Nacional de Migración) announced the New Migration Policy Programme 2018–2024 (*Nueva Política Migratoria*). This programme presents pillars linked to the well-being of the diaspora, protection of its members and engagement with it (See Table 11).

The New Migration Policy Programme applies to Mexicans living abroad, dual-national populations, and migrants in transit, and underscores the creation of conditions for their protection and maintaining their connection with communities of origin. While the policy highlights migrants’ contributions via remittances, human capital and development projects promoting social infrastructure and educational services, it also underlines that Mexicans abroad have rights in their national territory.¹⁸¹ It emphasizes that migration between Mexico and the United States is characterized by the construction of networks that have connected groups and individuals from both countries. The “transnational spaces”, as indicated in this policy, are constituted from relations and non-official links across borders, generated and maintained by immigrants and their families, “connacionales” (fellow countrymen) and other community members.¹⁸² Hence, Mexico’s New Migration Policy Programme recognizes that the participation of migrants is not limited to remittances and other resources that migrants can send to their country of origin. Migrants abroad are holders of civil and political rights and can participate in public life abroad and in Mexico.

Besides the New Migration Policy Programme, Mexico has programmes encouraging the diaspora to return to their home country on a permanent and temporary basis. The Paisano Programme, called “*Heroe Paisano*” (or the Programa Paisano), aims to establish policies, strategies, preventive assistance, and guidance actions to ensure that Mexicans’ entry, transit, and exit are carried out with respect for their rights and guaranteed security of their property and with access to knowledge of their obligations.¹⁸³ Mexicans abroad are provided with the Paisano Guide (*Guía Paisano*), which includes comprehensive information for returnees that help them reintegrate into society. Volunteers can assist Mexicans who come home from abroad to learn about the Paisano Guide, or they can use the online application, and the Guide is updated each year.¹⁸⁴

179. Carmel, et al. (eds), (2022). ‘Transnational Social Protection: Inclusion for Whom? Theoretical Reflections and Migrant Experiences’, *Social Inclusion*,10(1).
180. Délano, A., The diffusion of diaspora engagement policies: A Latin American agenda, *Political Geography* (2013).
181. Nueva Política Migratoria del Gobierno de México 2018-2024. Section 2.5. Protection of Mexicans abroad.
182. Ibid. Section 1.2. Aspects of the migratory phenomenon.
183. Instituto Nacional De Migración, Programa Paisano. Available at www.gob.mx/heroespaisanos. (accessed 10 April 2022).
184. Ibid., *Guía Paisano 2020* (accessed 10 April 2022).

Mexico has also adopted the Foreign Relations Sectorial Programme 2020–2024 (*El Programa Sectorial de Relaciones Exteriores 2020-2024*), which aims to protect and support Mexicans abroad and develop their potential to contribute to the development of Mexico. The programme points to the reorganization and establishment of more flexible engagement programmes in the areas of health, education, economic development, global and community relations, sports and culture. It is indicated that such actions will be carried out through Mexican representations abroad and consultative and international forums, which allow Mexican communities abroad to speak out and collect their view on public policies.¹⁸⁵ Thus, Mexico will continue to improve its policies and legislation on diaspora engagement.

Diaspora engagement institutions

In the 1990s, the Ministry of Foreign Affairs of Mexico initiated a programme to strengthen the ties between the country and Mexicans abroad and support diasporic communities in health and education. Later the programme was reorganized, and in April 2003, the Institute for Mexicans Abroad (IMA in English, IME in Spanish) started to function.

IMA became a primary channel of communication with the Mexican Diaspora. It was endowed with fairly broad powers in developing programmes, maintaining a constant dialogue between diasporas and communities abroad, and becoming a bridge between the diaspora and the Mexican Government. IMA emphasized developing programmes related to economic development, sports, culture, and community organization and interaction in this area with the diaspora. It was empowered to initiate and support platforms for communication with communities living abroad and established adequate coordination with the governments, institutions, and Mexican communities abroad. Also, it organizes and participates in seminars, conferences, and public, private, and academic events on migration.¹⁸⁶

Regarding its formal structure, the IMA is a decentralized administrative body of the Ministry of Foreign Affairs. As an independent department, IMA was granted a sub-ministry level and performed its activity with less bureaucracy.¹⁸⁷ In addition, IMA cooperates with the consulates, and in each consulate up to five staff members are charged with helping IMA fulfil its work. As the institution engaging with the diaspora, IMA also receives a budget allocation from the Ministry of Foreign Affairs and uses these resources to build a wide range of programmes and proactively engage with the diaspora abroad.

The Mexican consular network and local institutions also play an essential role in strengthening the development and progress of the Mexican community abroad. Notably, 29 of the 31 states and Mexico City have established State-level offices or ministries that address migrant or expatriate affairs and have a national coordinating secretariat (called “*la Coordinación Nacional de Oficinas Estatales de Atención a Migrantes*” – CONOFAM).¹⁸⁸ Many of these local institutions that address migrant affairs also have offices in the United States to support their diaspora.¹⁸⁹

185. *Programa Sectorial de Relaciones Exteriores 2020-2024*, 6.4.- Relevancia del Objetivo prioritario 4: Proteger y apoyar a las personas mexicanas en el exterior para que desarrollen plenamente su potencial y contribuyan al desarrollo de México.

186. Decree creating the Institute for Mexicans Abroad, as a decentralized administrative body of the Ministry of Foreign Affairs. Published in the Official Gazette of the Federation on 16 April 2003 (Last reform published DOF 11-14-2011).

187. IOM, 2010. “The Future of Diaspora Policy”, Background Paper (WMR).

188. Chaves, M. and E. Aragón (2021). “Engagement of the Diasporas of Central America and Mexico: Opportunities and Challenges” (IOM).

189. For example, the state of Puebla of Mexico has offices in New York, New Jersey, and Los Angeles.

Dual citizenship

The Mexican Constitution separates the concepts of citizenship and nationality. While Mexican nationality by birth “shall never be revoked”, Mexican citizenship obtained by naturalization can be revoked in specific cases prescribed in the Constitution¹⁹⁰, including “other cases as prescribed by the laws”.¹⁹¹ Also, Mexican nationality is based upon *jus soli* (when citizenship is acquired by birth on the territory - “right of soil”) and *jus sanguinis* (when citizenship is obtained based on the right of blood i.e. descent).

Mexico permits dual citizenship. It is worth mentioning that up until 1998, Mexico had endorsed single nationality, and as a result, Mexicans abroad were exempted from participation in political affairs and exercising political rights if conferred citizenship of another country.¹⁹² Because the renunciation of citizenship was a long process, Mexican authorities reformed the Constitution in 1997 which allowed Mexicans abroad to preserve their citizenship while being granted another. However, dual citizenship would be allowed for citizens by birth only. Naturalized Mexicans would be (and still are) barred from either taking another citizenship or retaining their original one after naturalization.¹⁹³

The last changes regarding Mexican citizenship were made in 2018 when senators proposed rewording Article 30 (A-II) of the Mexican Constitution and removing the provision that a parent or parents must be born in Mexico to pass on Mexican citizenship to children born abroad. Thus, the application of the principle of *jus soli* on the issue of citizenship of the second and third generation of Mexicans was replaced by the principle of *jus sanguinis*.

Box 14: Nationality and naturalization in Mexico

Article 30 of the Mexican Constitution

Mexican nationality is acquired by birth or by naturalization.

A. The Mexican nationals by birth are:

- I. Those born in the Mexican territory, regardless of their parents' nationality;
- II. Those born abroad, children of Mexican parents, Mexican mother or Mexican father;
- III. Those born in a foreign country which are sons/daughters of Mexican parents by naturalization, of Mexican father by naturalization, or of Mexican mother by naturalization.

190. Conditions for revoking citizenship: (1) If the person accepts or uses nobility titles issued by foreign governments; (2) If the person voluntarily provides services to or performs an official function for a foreign government without approval of the Federal Executive; (3) If the person accepts or uses foreign decorations without approval of the Federal Executive; (4) If the person accepts titles or employment from other country's government without approval of the Federal Executive, except by literary, scientific, or humanitarian titles, which can be freely accepted; (5) If the person helps a foreigner or foreign government against the Nation in any diplomatic controversy or international court; (6) In any other cases as prescribed by the laws.

191. The Political Constitution of the United Mexican States, Article 37.

192. Carvajal, E. (2013). The Political Rights of Mexican Migrants: Nationality and Citizenship in Mexico. *Mexican law review*, 6.

193. Hoyo, H. (2021). Constitutional reform in Mexico: no limits to *ius sanguinis*. *The Global Citizenship Observatory (GLOBALCIT)*.

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IV. Those born on board of Mexican military or merchant vessels or aircrafts.

B. The Mexicans by naturalization are:

- I.** Those aliens who obtain a naturalization card from the Department of Foreign Affairs.
- II.** Any foreign woman or man who marries a Mexican man or woman and establishes residence inside the Mexican territory, provided that foreigner complies with the other requirements set forth by the law for that purpose.

Source: Political Constitution of the United Mexican States.

The Mexican Constitution establishes that laws will regulate the rights of persons with dual citizenship rights to avoid double citizenship conflicts (for instance, in inheritance, taxation, and property law).¹⁹⁴ The Constitution also sets limitations for those who obtained citizenship by naturalization or have dual citizenship regarding exercising some of the positions and functions that require one to be Mexican by birth and have only Mexican citizenship. For instance, only Mexicans by birth who do not have dual citizenship can serve in the Army, Navy, or Air Force. During peacetime, only these categories can obtain positions in police or public security forces or hold higher or lower positions on vessels or aircraft with the Mexican flag.

Thus, Mexico established the acquisition of citizenship on the principle of *jus soli* and *jus sanguinis* and recognized the exclusiveness of citizenship for Mexicans by birth – they cannot revoke their citizenship but are allowed to acquire a second citizenship. At the same time, there are limitations regarding the occupation of positions and governmental functions for those who obtain citizenship by naturalization and those who have dual citizenship.

Consular Registration Procedure (“*matricula consular*”)

Mexico also practices issuing identification documents to its citizens abroad. In the early 2000s, the Mexican Government promoted issuing identification cards or consular registration among its diasporas. This identification card confirms the nationality and helps migrants obtain driver’s licences and open bank accounts. Every Mexican has the right to be registered by the consular office regardless of their migratory status in the country in which they are located. The Consular Registration Certificate is the public document issued by the Representations of Mexico in the United States of America, Canada and Spain at the request of a Mexican and has a temporary period of five years. It is an evidentiary document.

194. The Political Constitution of the United Mexican States, Article 32.

Political rights of diaspora

The political behaviour of Mexican migrants has received intense scholarly attention. It was agreed that Mexicans abroad feel they are still part of the Mexican community even if they live abroad and are highly motivated to participate in local elections and political decisions that directly affect their household and country’s future.¹⁹⁵

Voting in Mexico is a right and an obligation, but no formal sanctions exist¹⁹⁶. Article 35 of the Constitution prescribes a citizen’s right to vote.¹⁹⁷ Article 36 (3) stipulates that a citizen is responsible for voting in the elections and in the referendum under the terms set by the law. Mexican citizens residing abroad may exercise their right to vote for the presidential election, the election of Senators and Governors of the States and other elections determined at the federal level.¹⁹⁸

Also, a voter needs to be registered in the National Electoral Institute (“The Instituto Nacional Electoral” former Federal Electoral Register) and obtain an “electoral card” to vote.¹⁹⁹ The exercise of the vote of Mexicans residing abroad may be done by:

- a.** Voting by postal mail – all voting exercises abroad are carried out at the federal level.
- b.** Voting by personal ballot delivery – is exercised in person in the modules installed in the embassies or consulates.
- c.** Electronic voting – can be implemented if the National Electoral Institute publicly verifies and validates this voting system.²⁰⁰

In 2021, Mexico joined a few countries in Latin America that have implemented online voting for Mexicans residing abroad.²⁰¹ Also, in 2021, citizens from Mexico City living abroad were given the right to vote for a Migrant Council to represent them before the local government. It was envisaged that the Migrant Council provides representation for the Mexico City population living abroad and is a means for citizens in another country to make their voices heard and to be involved in developing legislation and policy.

Enhancing economic and social rights for diaspora

Mexico has many programmes to help migrants and nationals abroad enjoy their economic and social rights after returning to Mexico or while living abroad. These programmes are implemented in different areas such as health, education, financial literacy, housing and other programmes. Such programmes are implemented in Mexican consulates abroad on a permanent basis or conducted as regular short-period events.

195. Carvajal, E., (2013).

196. [Ley General de Instituciones y Procedimientos Electorales](#), Article 7.

197. The Political Constitution of the United Mexican States, Article 35.

198. [Ley General de Instituciones y Procedimientos Electorales](#), Article 329.

199. [Ley General de Instituciones y Procedimientos Electorales](#), Article 130, 131.

200. General Law on Electoral Institutions and Procedures of Mexico, Law published on May 23, 2014, Article 329.

201. International Foundation for Electoral Systems, “Elections in Mexico 2021 Midterm Federal Elections” (2021).



Box 15: Initiatives and programmes for Mexican diaspora abroad

The Health Windows (*Las Ventanillas de Salud*) offer the Mexican migrant population in a situation of vulnerability located in the United States comprehensive preventive care and culturally appropriate information through timely detection and referral to specialized health services.

Educational Orientation Windows (*Las Ventanillas de Orientación Educativa*) are spaces in the consulates that provide guidance and educational advice for the empowerment of the community through education. The initiative helps to disseminate scholarship information and provide advice on educational opportunities in Mexico and the United States.

Financial Advice Windows (*Las Ventanillas de Asesoría Financiera*) are spaces in the Mexican consulates in the United States that guide access to financial inclusion and education services from Mexico and the United States.

Binational Health Weeks (*La Semana Binacional de Salud*) are fairs, courses and workshops that are held at the consular offices of Mexico to bring the migrant population closer to health services.

Binational Week of Education (*La Semana Binacional de Educación*) is an initiative carried out through the Mexican Consular Network in North America and the Educational Orientation Windows to provide information on educational opportunities at all levels to the Mexican communities living in the United States and Canada.

Comprehensive Financial Education Week for Mexicans Abroad (*Semana de Educación Financiera Integral Para Mexicanos en El Exterior*) is a week dedicated to financial inclusion at the Mexican consulates in the Americas. During this week, financial orientation activities are offered to diaspora members.

Sources: [The Institute of Mexicans Abroad](#).

Mexico also launched the Housing for Mexicans Living Abroad programme (*Viviendas para Mexicanos en el Exterior*), which allows Mexican residents to acquire a home in Mexico and make the credit payment through transfers to the selected credit institution.²⁰² The programme results from a collaborative effort between the Mexican Government through the National Housing Commission (CONAVI), the Federal Mortgage Society (SHF), and the Institute of Mexicans Abroad.²⁰³ The Mexican Government considers that this programme

202. Consulate General of Mexico in Miami, “[Tu Vivienda en México](#)” (accessed 10 April 2022).

203. The IMA supports this programme through a dissemination campaign in Mexican consulates in the United States and Canada. Usually, consulates disseminate information brochures and videos in the consulates’ waiting rooms, and fairs and seminars are organized to provide timely information on ways to acquire housing in Mexico.

helps the formation of the family patrimony, and it encourages investment from Mexican government-backed companies.²⁰⁴

Build on your land Programme (*Construye en tu Tierra*) is another housing programme that allows Mexican migrants in the United States to build a house in Mexico for them or their families.²⁰⁵ The programme provides “binational families with the opportunity to have a decent home on both sides of the border”.²⁰⁶ The programme supports Mexican migrants to build a credit history in Mexico and acquire a home, with absolute control over the type of home and where they want to build it.²⁰⁷ Hence, Mexico has progressive experience in developing and implementing policies that enhance diaspora members’ economic and social rights both in the country of residence and in Mexico. However, such programmes are mainly implemented in the United States and Canada, where most Mexicans reside.

Recognition of diaspora contribution

The Mexican Government established the “Ohtli” Award in 1996. *Ohtli* is a Nahuatl word for “path”, referring to the idea of opening a path for others. The Ohtli Award recognizes individuals and organizations who have aided, empowered, or positively affected the lives of Mexican nationals in the United States and other countries or promoted Mexican American or Hispanic culture abroad. The Award consists of a medallion, silver rosette and a diploma. The Mexican Secretariat of Foreign Affairs administers the Award, and it is given annually by individual consulates.

Gender and Diaspora

Mexican women in the diaspora contribute to the reinterpretation of public diplomacy by creating community solidarity and promoting and adapting Mexican heritage and traditions.²⁰⁸ Women in the diaspora also empower Latinas’ leadership and influence public debate in the United States through their participation on different platforms. Women in the Mexican diaspora also compose international linkages among diaspora members, promote inter-city relations with other diasporas, speak to other diaspora members, State and non-State actors, and the field of public diplomacy.²⁰⁹ The New Migration Policy Programme states that gender perspective is considered when implementing the policy:

204. This programme allows the purchase of a new or used home through mortgage credit, making the credit payments from the client’s place of residence. The programme has the selection criteria: Mexican nationality, legal age, and demonstration of income. For the applicant, travelling to Mexico is unnecessary to formalize the credit. It is enough if the family member of the applicant is in Mexico. The credit amount is given from 5 up to 20 years.

205. This programme supports the Mexican community in the US, namely in Los Angeles, Dallas, Chicago, Houston, San Bernardino, Fresno, Phoenix, San Francisco, San Diego, Santa Ana, El Paso, Denver, Atlanta, and San Jose, New York and Raleigh.

206. Ministry of foreign Affairs, [Se presenta el programa de vivienda para migrantes “Construye en tu tierra”](#) (2016).

207. Ibid.

208. Bravo, V. and M. De Moya, (2021). “Introduction: Diasporas from Latin America and Their Role in Public Diplomacy.” *Latin American Diasporas in Public Diplomacy*, pp. 1–24. Crossref, https://doi.org/10.1007/978-3-030-74564-6_1.

209. Hernández, E. (2021). *Mexican Diasporic Women in Public Diplomacy: A Case Study of “Mex and the City” in the United States*.

The migration policy of the Government of Mexico (2018–2024) is based on full respect for human rights based on a multisectoral, multidimensional, co-responsible, transversal, inclusive and *gender perspective* [emphasis is added] approach.²¹⁰

Although Mexico recognizes the impact of women in the diaspora and underlines their different needs and specific vulnerabilities in the New Migration Programme, the policy has limited information regarding the needs, challenges, and possibilities for women in the Mexican diaspora.



Box 16: Women's Projects in the Mexican Diaspora

Art project

A diasporic project Mex and the City created and launched in New York City by women of Mexican origin, with different social backgrounds, who decided to write a blog to share their lives in the city and eventually realized the social potential to this initiative, transforming it into a project to change the image of Mexicans in New York.

Economic empowerment

Mexican consulates abroad organize different events and activities involving women from diaspora abroad. One of the examples is the Consular Entrepreneurship Programme for Mexican Women Abroad (Programa Consular de Emprendimiento para Mexicanas en el Exterior – PCEME). The PCEME is for women of Mexican origin who reside in the United States to obtain educational tools, information, and training in entrepreneurship, which will allow them to develop and establish a business idea with the support of mentoring, networking sessions and courses.

Source: Mex and the City (2022) The Consulate of Mexico in Portland "Consular Entrepreneurship Programme for Mexican Women Abroad (PCEME)".

Conclusion

Mexico has a long history of building relations with the diaspora abroad. Since the 1990s, Mexico has aimed to build solid and enduring relationships with its citizens abroad, mainly in the United States and Canada. Mexico has a liberal citizenship policy for those who acquire citizenship by birth and have a good experience of "exclusive" citizenship, reducing statelessness among Mexican citizens abroad. Mexico is also developing and widening citizens' rights to vote by allowing citizens abroad to vote in the local elections (the evidence from the State of Mexico). It should also be noted that the policies and laws of Mexico have substantial human rights and gender-based approaches.

TABLE 3: Diaspora rights in Mexico

The term "diaspora" is used, or the definition is established in legislation	Other terms used to describe "diaspora"	Institutions for diaspora engagement are established	Diaspora	The gender-based approach is used in diaspora-related policies
The term "diaspora" is used but no definition provided in legislation.	Yes - "connacionales en el exterior» "paisanos" "Mexicanos en el exterior".	Yes, MFA and Institute for Mexicans Abroad.	No separate diaspora engagement policy adopted; however, many policies are aimed at diaspora engagement.	Yes, policies are gender sensitive.
Other policies also regulate diaspora engagement	Dual citizenship is allowed	Voting rights for citizens living abroad are provided	Voting from abroad is possible	The right to be elected in the home country/ host country is established
Yes	Yes, since 1997 established in the Constitution.	Yes, since 2006 in General Law on Electoral Institutions and Procedures.	Yes	Yes
Specific identification schemes are applicable (i.e. identification cards)	Diaspora engagement policies encourage the diaspora to invest in their home country	Diaspora engagement policies guarantee social rights	Diaspora	A Recognition system is existing
Yes	Yes	Yes	Yes	Yes

210. Nueva Política Migratoria del Gobierno de México 2018-2024.

Asia: India

Background information about the diaspora

India has the largest emigrant population in the world (nearly 18 million people living abroad) and is the top origin country globally.²¹¹ According to the Ministry of External Affairs (MEA) of India, more than 32.1 million live abroad, with over 13 million Non-Resident Indians (NRI) and 18 million Persons of Indian Origin (PIOs).²¹²



Box 17: Explanation of “NRI”, “OCI”, and “PIO”

NRI – a Non-Resident Indian is an Indian citizen who lives or works in another country.

OCI – an Overseas Citizen of India is a foreign national, who was eligible to become citizen of India on 26.01.1950 or was a citizen of India on or at any time after 26.01.1950 or belonged to a territory that became part of India after 15.08.1947. Minor children of such person are also eligible for OCI. A person who is or has been a citizen of Pakistan or Bangladesh or other notified countries will not be eligible for OCI status.

PIO – a Person of Indian Origin is a foreign citizen (except a national of Pakistan, Afghanistan, Bangladesh, China, the Islamic Republic of Iran, Bhutan, Sri Lanka and Nepal) who at any time held an Indian passport or a person whose parents/ grandparents/ great grandparents was born and permanently resident in India as defined in Government of India Act 1935 and other territories that became part of India thereafter. PIO could be also a person who is a spouse of a citizen of India or a PIO.

PIO and OCI card holders have been merged under one category “OCI” in 2015.

Source: India Ministry of Home Affairs, Comparative chart on NRI/PIO /OCI cardholder (2017); India Ministry of Home Affairs, Comparative chart on NRI/PIO /OCI cardholder (2021).

The United States, Saudi Arabia, the United Arab Emirates, Oman, Kuwait, Qatar, the United Kingdom, Australia and Canada are the primary host countries for the Indian diasporic population.²¹³ India’s “new” diaspora – skilled and educated migrants are going to the metropolitan countries of Europe, North America and Oceania. A workforce from India mainly migrates to West Asia and East Asia. There are large groups of Indian migrant workers in Singapore, Malaysia and Thailand. In recent years, Japan, Taiwan Province of the

People’s Republic of China, and the Republic of Korea have also emerged as destination countries for skilled Indian migrant workers. India is also the world’s largest recipient of remittances; in 2021, it received USD 87 billion and was placed among the top five recipient countries for remittances.²¹⁴

Scholars underline that India’s diaspora represents a “soft power” and preserves cultural, economic, political, and institutional interconnection and interdependency between corporations, communities and States.²¹⁵ The Indian Government also recognizes the role of the Indian diaspora in social and economic development, foreign policy agenda and cultural promotion and highlights that:

They [diaspora] hold important positions in many Governments. They are the Indian voice in various multilateral fora. Their role in India’s soft power projection and in promoting Indian culture outside is very important. They play an important role for track diplomacy. They are an important bridge between India and many foreign Governments. Our people have reached the pinnacle of political power in Mauritius, Portugal, Suriname and Guyana. CEOs of top global MNCs [multinational corporations] are PIOs.²¹⁶

Also, India’s diaspora developed diaspora–homeland vertical relationships with State bodies and horizontal relationships, namely inter-diaspora linkages.²¹⁷ For instance, India’s non-governmental transnational association, “Global Organisation of the People of Indian Origin”, emerged to preserve and promote Indian diaspora identities and cultures and unite the home country and people from the diaspora in a transnational context.²¹⁸

Diaspora engagement policies

India does not have a separate diaspora engagement policy and its engagement with its diaspora is characterized under the rubric of 4Cs – care, connect, celebrate and contribute.²¹⁹ However, the Government has put in place the necessary institutional support. It employs various programmes and schemes to engage with the diaspora and maximize their contribution to their communities of origin. In 2022, the Indian Committee on External Affairs recommended that MEA bring out a policy document for “deeper and wider engagement with the diaspora community”.²²⁰

214. The World Bank, [Remittance Flows Register Robust 7.3 Percent Growth in 2021](#), 2021.

215. Prakash C., (2021). Indian Diaspora in the ASEAN-Pacific Region: Historical and Contemporary Engagements. *Global Research Forum on Diaspora and Transnationalism*, 7(5).

216. Ministry of External Affairs of India (MEA), “Welfare of Indian Diaspora: Policies/Schemes”. Fifteenth Report. Lok Sabha Secretariat August 2022.

217. An example of non-State efforts to promote business with the diaspora in India is the website, which was set up by a group of Indian professionals in Dubai and provides business leads to encourage businesses worldwide to invest in India by providing information and insights on doing business in India.

218. Prakash C., 2021.

219. MEA, “Welfare of Indian Diaspora: Policies/Schemes”. Fifteenth Report. 2022.

220. Ibid.

211. McAuliffe and Trendafyllidou, 2021.

212. Government of India, Ministry of External Affairs (n.d.a). [Population of Overseas Indians](#) (accessed 10 April 2022).

213. McAuliffe and Trendafyllidou, 2021.

Worth mentioning that from 2009 to 2014, the Ministry of Overseas Indians Affairs (MOIA- merged with the Ministry of External Affairs in 2016) had documents titled “Results Framework Documents” (RFDs), which provided a vision, objectives and functions for proactively engaging with Overseas Indians.²²¹ An overview of these RFDs shows that India supported measures to engage with the diaspora, mainly in four areas:

1. Facilitate sustained, symbiotic, and strategic engagement of Overseas Indians with India and offer them various economic, social and cultural services.
2. Extend institutional support for individual initiatives and community action to harness the knowledge, skills, and resources of Overseas Indians to supplement the national development efforts.
3. Transform emigration management through appropriate domestic interventions and international cooperation.
4. Strengthen the bond between India and its diaspora by recognizing and celebrating its success and achievements.

Each RFD had objectives, activities, and target indicators (quantitative and qualitative) of success, and a timeline for realization was established. However, in open sources, there is no further information about the development of RFDs after 2015.

Concerning programmes and schemes that MEA implements to engage with the diaspora abroad, it is essential to mention that they are aimed at youth among OCI and follow the 4Cs indicated above.

Know India Programme

A flagship Ministry of External Affairs programme for engagement with Indian-origin youth (between 18 to 30 years). NRIs are excluded from this programme, and preference is given to OCIs. Through 25 days, an orientation programme was organized by the MEA with a ten-day visit to one or two State(s) to enhance participants’ awareness of India, its cultural heritage and art and familiarize them with various aspects of contemporary India. The programme is still active since 2003.

Know Goa Programme (KGP)

Organized by the Government of Indian State Goa every year for NRI/PIO youths (in the age group of 18 to 30 years) whose ancestors have migrated from Goa and are presently residing overseas. The MEA also hosts the Delhi and Agra parts of KGP. To this date, 12 editions of the KGP have been conducted.

Scholarship Programme for Diaspora Children (SPDC)

Introduced in 2006 to make higher education in Indian Universities/Institutes accessible to OCI and NRI children and promote India as a centre for higher studies.

Bharat Ko Jaaniye Online Quiz (BKJ)

Event that was initially organized for the 18 to 35 years for OCI and NRI, another category (foreign nationals) was accepted as participants. The Bharat Ko Jaaniye Quiz is conducted to motivate overseas Indian and foreign youth to enhance their knowledge about India and awaken the new generation’s curiosity to know more about India so that they develop a comprehensive understanding of India.

Pravasi Teerth Darshan Yojana (PTDY)

Provide the older generation of Persons of Indian Origin in the age group of 45 to 65 years an opportunity to reconnect with their roots. The programme was introduced for Persons of Indian Origin who belong to lower income groups and cannot afford to visit India. It is currently available for those PIOs residing in Girmitya countries (Mauritius, Fiji, Suriname, Guyana, Trinidad and Tobago, Jamaica, South Africa).

Source: Government of India, Ministry of External Affairs.

221. Government of India, Ministry of Overseas Indians Affairs (n.d.b). Results Framework Documents, 2009-2010, 2010-2011, 2011-2012, 2012-2013 and 2013-2014.

Diaspora engagement institutions

In 2004, a Ministry of Overseas Indian Affairs (MOIA) was constituted to implement the new policy aimed at:

1. Framing the departure flows;
2. Protecting overseas Indians; and
3. Enhancing the development impacts of the diaspora.

The MOIA was dedicated to all matters relating to the Indian diaspora. It was mainly responsible for establishing institutional arrangements to promote sustainable and mutually beneficial engagement between Overseas Indians and India across the economic, social and cultural space.²²² In 2015, the MOIA merged with the Ministry of External Affairs, and this reform was enacted to exclude duplication and unnecessary delays in operation.²²³

In 2009, India established Indian Community Welfare Fund (ICWF), which assists overseas nationals abroad in distress and emergency.²²⁴ ICWF can support the emergency evacuation of Indian citizens from conflict zones, countries affected by natural disasters and other challenging situations. Except for the humanitarian assistance, the ICWF also provide legal aid in particular cases (for instance, if overseas Indian nationals committed minor crimes or offences or have been falsely implicated by their employer and put in jails); financial assistance to Indian women abandoned/cheated/abused by their NRI/OCI or foreign spouses; helps with the transportation of mortal remains; and also support events to promote Indian culture and cooperate with Indian diaspora organizations.

In addition, the Ministry of External Affairs set up the India Centre for Migration (ICM), which serves as a research think-tank for MEA on all matters relating to international migration and mobility. These research activities have initiated, contributed, and supported a detailed analysis of many aspects of international migration, including good international practices concerning the safety and welfare of emigrant workers, diaspora, remittances and development.

India also has 202 Missions abroad and is developing its system that supports Indian nationals abroad. The MADAD portal, e-Migrate, and Indian Worker Resource Centres are other essential mechanisms to assist Indian nationals abroad. MEA also implemented humanitarian action; for instance, it provided safe transport for NRIs back to the country, particularly during the first COVID wave. It also helped evacuate Indian nationals from conflict zones.²²⁵

It is important to note that institutions have been created in India that interact with diaspora organizations and Indians abroad and at the local level. An example is NORKA (Non-Resident Keralites Affairs), an official body of the Government of the Indian State of Kerala. NORKA has been operating since 1996 and is mainly engaged in resolving the complaints of non-resident Keralites.

222. Vezzoli, S. and T. Lacroix (2008). "Building bonds for migration and development. Diaspora engagement policies of Ghana, India and Serbia" (Discussion Paper).

223. *The Times of India*, "Government to merge overseas Indian affairs ministry with MEA" (2016).

224. Government of India, Ministry of External Affairs (n.d.c.). [Indian Community Welfare Fund \(ICWF\)](#) (accessed 10 April 2022).

225. For instance, "Operation Ganga" in 2022 was a combined civil and military effort of MEA to ensure all Indian nationals returned home safely.

Dual citizenship

The Indian Constitution does not provide dual or multiple citizenships. Indian citizenship can be acquired by birth, descent, registration and naturalization. In 2002, the Government of India, through a notification, had introduced the Persons of Indian Origin Cardholder (PIO Cardholder) Scheme.²²⁶ In 2004, India amended the Citizenship Act (1955),²²⁷ and introduced the Overseas Citizenship of India Cardholder (OCI Cardholders) Scheme in response to the Indian diaspora's demand for dual citizenship, for certain categories of PIO's.²²⁸ In 2015, the PIO scheme was discontinued with all PIO cardholder deemed as Overseas Citizen of India Cardholder (OCI cardholder).²²⁹ However, OCI is not a "dual citizenship" and does not confer political rights to persons holding OCI status.

The Citizenship Amendment Act (2015) establishes conditions and restrictions for a person registered as OCI. Section 7A establishes that the status of "Overseas Citizen of India Cardholder" could be received by:

- a. any person of full age and capacity, —
 - (i) who is a citizen of another country, but was a citizen of India at the time of, or at any time after the commencement of the Constitution; or
 - (ii) who is a citizen of another country, but was eligible to become a citizen of India at the time of the commencement of the Constitution; or
 - (iii) who is a citizen of another country, but belonged to a territory that became part of India after the 15th day of August, 1947; or
 - (iv) who is a child or a grandchild or a great grandchild of such a citizen; or
- b. a person, who is a minor child of a person mentioned in clause (a); or
- c. a person, who is a minor child, and whose both parents are citizens of India or one of the parents is a citizen of India; or
- d. spouse of foreign origin of a citizen of India or spouse of foreign origin of an Overseas Citizen of India Cardholder.²³⁰

Although OCI can enjoy some of the rights that Indian citizens have, the legislation puts limitations on the rights conferred on a citizen of India:

- a. Under Article 16 of the Constitution concerning equality of opportunity in matters of public employment;
- b. Under Article 58 of the Constitution for election as President;
- c. Under Article 66 of the Constitution for election as Vice-President; and
- d. Under Articles 124 and 217 of the Constitution for appointment as a Judge of the Supreme Court or Judge of the High Court.

226. Notification of Government of India in the Ministry of Home Affairs Number 26011/ 4/98 F.I., dated 19 August 2002.

227. Citizenship (Amendment) Act, 2003 (6 of 2004), Section 1(ee), Section 7A. See also Citizenship (Amendment) Act, 2005.

228. Ibid.

229. Ministry of Home Affairs, [Notification F.25024/9/2014-F. I.](#) dated 9 January 2015.

230. Ministry of Law and Justice, [The Citizenship \(Amendment\) Act, 2015](#), Section 7A (accessed 10 April 2022).

In general, OCI is not eligible for public services positions and posts. Also, OCIs are not entitled to vote or become a member of the House of the People or the Council of States, a member of the Legislative Assembly or the Legislative Council. The OCI status could be ceased voluntarily if the registration as an OCI Cardholder was obtained using fraud; if the OCI shows disaffection towards the Constitution, or during any war in which India may be engaged unlawfully traded or communicated with an enemy or have been sentenced to imprisonment for a term of not less than two years, within five years of registration or in case of a spouse of an OCI cardholder when marriage is dissolved.²³¹

The legislation provides that an individual could apply for OCI status in the country where they are ordinarily residing, meaning they have resided continuously for a period of six months, with part of the application process being completed online, and the remaining verification of documents done at the Indian missions or posts, where they are ordinarily resident or, if they are in India, by the FRRO.²³²

A person registered as an OCI for five years and living in India for one year out of the preceding five years is eligible to apply for Indian citizenship.²³³ The Citizenship Act also regulates the cancellation of registration as an OCI Cardholder.²³⁴ The person's dual and multiple nationalities are not an impediment to the application to OCI if at least one country allows dual citizenship.



Box 18: Acquisition of Indian Citizenship

Every person born in India on or after 26.01.1950 but before 01.07.1987 is an Indian citizen irrespective of the nationality of his/her parents.

Every person born in India between 01.07.1987 and 02.12.2004 is a citizen of India, given either of his/her parents is a citizen of the country at the time of his/her birth.

Every person born in India on or after 3.12.2004 is a citizen of the country, given both his/her parents are Indians or at least one parent is a citizen, and the other is not an “illegal migrant” at the time of birth.

Thus the Citizenship Act defines three categories who can receive citizenship by birth.

Citizenship by registration also established several rules related to the residency process. A person of Indian origin needs to be a resident of India for seven years before applying for registration.

Sources: Foreigners Division, Ministry of Home Affairs Government of India.

231. Ibid.

232. Section 8 of the Citizenship Act, 1955 (accessed 10 April 2022).

233. Section 5(1) (g) of the Citizenship Act 1955 (accessed 10 April 2022).

234. Section 7 (d) of the Citizenship Act 1955 (accessed 10 April 2022).

Political rights of diaspora

Voting in India is voluntary.²³⁵ To enjoy the right to vote, a person must be a citizen who has not acquired citizenship of a foreign country and has completed 18 years. NRIs employed abroad are eligible to be registered voters. OCI Cardholders are exempted from voting rights.

Voting rights for NRIs were introduced only in 2011 through an amendment to the Representation of the People Act 1950. The Election Commission of India (ECI) allows NRIs to register as overseas electors as long as they have not acquired citizenship in another country. NRI can only vote in person and must present a passport at the polling station to establish identity. An NRI can vote in the constituency in which their place of residence, as mentioned in the passport, is located.

Voting outside of the country formally is allowed but never exercised.²³⁶ In 2015, Government discussed that NRIs should be given the “additional alternative options of the e-postal ballot and proxy voting”. The matter is still under consideration by the Government.²³⁷

Enhancing economic and social rights for diaspora

A registered OCI is granted multiple entries, multipurpose or life-long visas for visiting India. OCI Cardholder is exempted from registration with Foreign Regional Registration Officer or Foreign Registration Officer for any length of stay in India.²³⁸ There are some restrictions on this right which are indicated in the legislation.²³⁹

OCI is entitled to general parity with NRIs regarding all their economic, financial, and educational facilities, with some exceptions.

- OCI cardholders are entitled to multipurpose, multiple entries and a lifelong visa allowing them to visit India at any time, for any length of time and any purpose.
- OCI cardholders can purchase residential and commercial properties in India. Nevertheless, they are not permitted to purchase agricultural land, including farmland or any kind of plantation property.
- OCI cardholders have equality with resident Indian nationals in terms of tariffs on domestic airfares and accessing cultural places to visit.
- OCI cardholders are allowed to practice the following professions in India in “pursuance of the provisions contained in the relevant Acts”: doctors, dentists, nurses and pharmacists, advocates, architects, and chartered accountants.²⁴⁰

235. The Constitution of India, Article 326.

236. Representation of the People Act, 1950 Section 16.

237. NewsOnAir, [Extension of Electronic Ballot System for NRI voters is being contemplated](#), April 2022. (Accessed 10 April 2022).

238. Ministry of Home Affairs of India, Notification of the 4 March 2021 S.O. 1050(E) (accessed 10 April 2022).

239. OCI cardholder shall be required to obtain special permission (i) to undertake research; (ii) to undertake any Missionary or Tabligh or mountaineering or journalistic activities; (iii) to undertake an internship in any foreign diplomatic missions or foreign government organizations in India or to take up employment in any foreign diplomatic missions in India; (iv) to visit any place which falls within the protected or restricted or prohibited areas as notified by the Central Government or competent authority.

240. [Notifications regarding benefits to OCIs](#) on 6 January 2009 (accessed 10 April 2022).

In 2021, India imposed some additional limitations for some categories of OCI and employers who hire OCI cardholders, and these limitations put other administrative barriers:

- OCIs performing missionary work and OCI cardholders visiting a Protected, Restricted and Prohibited area in India must obtain special permission from the relevant government authorities;
- OCIs who are research scholars and affiliated with universities/other institutes must also obtain the necessary permissions before commencing research;
- OCI cardholders residing in India must inform (by email) the jurisdictional FRR Foreigners' Regional Registration Office (FRRO) or Foreigners' Registration Office (FRO) of changes in their permanent Indian residential address and/or occupation.
- Organizations in India employing journalists holding OCI cards should ensure that they notify the Ministry of External Affairs and obtain relevant government permissions before the employment start date.²⁴¹

India also launched the Pravasi Bharatiya Bima Yojana (PBBY) – a mandatory insurance scheme to safeguard the interests of Indian emigrant workers going to employment abroad in Emigration Check Required (ECR) countries.²⁴² This insurance scheme aims to ensure an expeditious settlement of claims.

India also implements many engagement programmes with NRIs. For instance, *Videsh Sampark*, a dialogue between MEA and State governments, seeks cooperation in addressing issues of welfare and protection of NRIs living abroad. Another example is an online MADAD portal that enables emigrant workers and their family members to register their consular grievances and track their redressal. The platform also deals with consular grievances with respect to OCI cardholder's card related issues as well amongst others.²⁴³

Recognition of diaspora contribution

The Pravasi Bharatiya Samman Award (PBSA) is the highest honour for overseas Indians. PBSA is awarded by the President of India as a part of the Pravasi Bharatiya Divas (PBD) Conventions organized annually since 2003 to a NRI, PIO or an organization or institution established and run by the NRI or PIO, who has made significant contribution in any one of the following fields: in better understanding abroad of India; support to India's causes and concerns in a tangible way; building closer links between India, the overseas promote philanthropic and charitable work and eminence in skills which has enhanced India's prestige in that country (for non-professional workers).²⁴⁴

241. Fragomen, Increased Enforcement and New Notification Rule for Overseas Citizen of India Cardholders. 9 March 2021 [Increased Enforcement and New Notification Rule for Overseas Citizen of India Cardholders | Fragomen, Del Rey, Bernsen & Loewy LLP](#) (accessed 10 April 2022).

242. There are 18 ECR countries: Afghanistan, Bahrain, Indonesia, Iraq, Jordan, Saudi Arabia, Kuwait, Lebanon, Libya, Malaysia, Oman, Qatar, South Sudan, the Sudan, the Syrian Arab Republic, Thailand, United Arab Emirates and Yemen.

243. The MADAD portal was launched in February 2015 for the online redressal of consular grievances of Indians in distress abroad. MADAD is one of the flagship citizen services rendered by MEA. Pravasi Bharatiya Sahayata Kendras supplement the work being done through the MADAD portal.

244. MEA, [Pravasi Bharatiya Samman Award \(PBSA\)](#) (accessed 10 April 2022).

Gender and diaspora

Diaspora engagement policies recognize that women in the diaspora may have different needs and requirements. For instance, the Indian Result Framework Document for 2010–2011 underlined the importance of commissioning studies on gender issues and diaspora. However, no information about further progress in this area is available on open sources and the MEA website.

It is essential to highlight that MEA developed robust mechanisms to support Indian women abroad. For instance, MEA launched a scheme to provide financial assistance for counselling and legal services. This scheme targets disadvantaged Indian women who have been “deserted” by their overseas Indian / foreign husbands. Under the term “desertion”, the MEA means the voluntary abandonment of the wife by her husband. The counselling and legal services are provided through NGOs, Indian women's organizations or Indian community associations with Indian Missions in the United States, the United Kingdom, Canada, Australia, New Zealand, Malaysia and the Gulf countries. The scheme is available for Indian women whose overseas Indian (NRI or OCI), or foreign husbands have deserted them or for women who want to divorce in a foreign country.²⁴⁵ Two hundred two diaspora organizations are registered in 32 Indian consulates and embassies abroad. Of this number, 71 diaspora organizations in 24 countries have services specifically designed to assist Indian women abandoned or abused abroad (See Table 14). These organizations provide various assistance but primarily legal and financial aid in cases of domestic violence, shelters for survivors, psychological assistance, organizing clubs and helping women with their job search.

Thus, India's policies are gender sensitive. That is, policymakers and officials are aware of and address gender differences of women in the diaspora. But there is no sufficient data to assess how intentionally and deeply gender considerations will be employed in future diaspora engagement policies' design, implementation, and results.

Conclusion

India has its own unique experience aimed at maintaining contact with the diaspora and promoting the interests of the country and its culture through various types of soft diplomacy. Also, the Indian diaspora is characteristic of building vertical relationships with the country-of-origin authority and horizontal relationships with other diaspora members. India does not have a separate diaspora engagement policy but has put in place robust institutional support and implemented various programmes and schemes to engage with the diaspora. India does not consider dual citizenship but recognizes the special status of OCI, implements programmes to establish and maintain their ties with communities of origin and expands some of their rights.

245. MEA, [Scheme for providing legal / financial assistance to Indian women deserted by their overseas Indian / foreigner husbands](#) (accessed 10 April 2022).

TABLE 4: Diaspora rights in India

The term “diaspora” is used, or the definition is established in legislation	“Other terms used to describe “diaspora”	Institutions for diaspora engagement are established	Diaspora Engagement Policy adopted	The gender-based approach is used in diaspora-related policies
Yes, the term is defined in official documents and used in policies.	Yes, NRI and OCI.	Yes, MOIA was merged with the MEA in 2015.	India does not have a separate diaspora engagement policy. However, the Government has put in place the necessary institutional and programme support.	Yes, policies are gender sensitive.
Other policies also regulate diaspora engagement	Dual citizenship is allowed.	Voting rights for citizens living abroad are provided.	Voting from abroad is possible.	The right to be elected in the home country/ host country is established.
There are no policies, but India implements several programmes for diaspora engagement.	No	Yes, since 2011, only NRI.	No	No
Specific identification schemes are applicable (i.e. identification cards).	Migration-related policies encourage the diaspora to invest in their home country.	The benefits of exercising social rights are established.	The benefits of exercising economic rights are established.	A Recognition system exists.
Yes	Yes	Yes	Yes	Yes

Europe: Portugal

Background information about diaspora

Portugal is a traditional country of emigration with a multigenerational diaspora living in many countries. Although in the last three decades, it has also become a country of immigration. European countries are the most common destination for Portuguese emigrants, and at the same time, Portugal hosts communities from Angola, Brazil, Cabo Verde, Guinea-Bissau and Mozambique. In addition, diasporas from Central and Eastern Europe, such as the Republic of Moldova, Romania and Ukraine, also reside in Portugal.²⁴⁶

Box 19: Definition of the diaspora in Portugal

Portugal’s national legislation does not contain the definition of diaspora. However, policies use the term Portuguese diaspora – “diáspora portuguesa” and ‘lusodescendentes’, and legislation had other terms that may refer to diasporas, such as ‘descendentes de portugueses originários’.



The Portuguese Constitution guarantees the protection of its citizens abroad. The Constitution underlines that those Portuguese citizens who reside abroad enjoy the protection of the State for the exercise of their rights, and they are subject to duties that are not incompatible with their absence from the country.²⁴⁷

In 2019 Portugal initiated the *Regressar* (Return) Programme which involves measures promoting the return of emigrants and “lusodescendentes” by introducing mechanisms facilitating the return of these persons.²⁴⁸ In 2020, Portugal launched the National Diaspora Investment Support Programme which seeks to encourage the return and investment of the Diaspora in Portugal and to benefit from the presence of Portuguese communities overseas.²⁴⁹

Diaspora engagement policies

Portugal is one of the first countries to adopt a National Implementation Plan of the Global Compact for Migration. This plan contains five fundamental axes:

246. International Centre for Migration Policy Development, 2020 Report on Diaspora Consultation: South-west Europe.

247. Constitution of the Portuguese Republic 1976, as amended to 2005, Article 14.

248. Resução do Conselho de Ministros n.º 60/2019.

249. Resolução do Conselho de Ministros n.º 64/2020.

1. To promote safe, orderly, and regular migration;
2. To improve the processes of organization of migration flows and integrated border management;
3. To promote immigrant reception and integration;
4. To support migrants' link to their country of origin and their plans to return to Portugal; and
5. To increase development partnerships with countries of origin and transit, thus addressing the root causes of migration and reducing the burden of factors.

To achieve the fourth axe, the National Implementation Plan of the Global Compact for Migration envisages three main areas of activity, namely:

- the *Regressar* (Return) Programme;
- the facilitation of 'remittance' transfer processes; and
- the attraction of diaspora investment.

All these areas cover migrants' reintegration, enhance the relationship between the diaspora and Portugal, assist in return to Portuguese nationals, and support diaspora investment initiatives and projects. (See Table 13 for more detailed information)

Regressar (Return) Programme – is a strategic programme supporting the return of Portuguese nationals. As indicated, the *Regressar* (Return) Programme will support Portugal emigrants and their descendants to meet the labour needs of the Portuguese economy, reinforcing the creation of jobs, increasing social security, investment, and the fight against demographic ageing.²⁵⁰ The Policy envisages several strategic areas of intervention that are planned to be achieved in coordination at the inter-ministerial level. The programme includes benefits in taxation,²⁵¹ provides access to credit²⁵² and helps with access to information on job opportunities in Portugal. It also supports the recognition of academic and professional qualifications and covers part of the return expenses. (See Table 12 for detailed information on *Programa Regressar's* strategic entry points).

A particular structure named the *Ponto de Contacto para o Regresso do Emigrante (PCRE)* is responsible for implementing *Regressar* (Return) Programme. However, other governmental bodies are obliged to evaluate the programme's performance and define strategic guidelines to pursue its objectives. Although *Regressar* (Return) Programme was planned to be implemented up to 2020, in 2021, the Government extended *Regressar* (Return) Programme until 2023.²⁵³

250. The *Regressar* Programme was prolonged for taxpayers who become fiscally resident in 2021, 2022 or 2023, maintaining all other eligibility criteria and benefits underlying the programme.

251. 50 per cent tax exclusion of income from the dependent and independent work for five years.

252. Operating credit limit is one million euros per company and EUR 500 thousand for each citizen returning to Portugal.

253. Support for the return of Emigrants to Portugal <https://iefponline.iefp.pt/IEFP/index2.jsp>.

The National Diaspora Investment Support Programme – a programme for the “valorization” of Portuguese communities that promotes diaspora investments and internationalization of national companies through the diaspora. The programme is aimed at Portuguese nationals and Portuguese immigrants who want to invest or extend their economic activity in Portugal and national entrepreneurs who wish to internationalize their business through the diaspora. Thus, the programme aims to develop links between the country and the diaspora, the Portuguese and the diaspora, and vice versa. It is expected to improve the diaspora's connection to Portugal, deepening relations between emigrants and “*lusodescendentes*” and their community of origin and strengthening the feeling of belonging to common sense. The National Diaspora Investment Support Programme is based on two lines of action: the return and investment of the diaspora in Portugal, and the promotion of Portuguese exports and investment abroad through the diaspora.

Diaspora engagement institutions

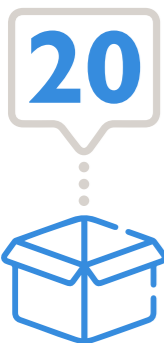
The overall management framework for diaspora engagement in Portugal is under the Ministry of Foreign Affairs. However, the Directorate-General for Consular Affairs and Portuguese Communities directly oversees diaspora engagement through the Council of Portuguese Communities (CPC) with advisory status.²⁵⁴ The President of the Republic is the Honorary President of the Portuguese Diaspora Council, and the Minister of Foreign Affairs is the Honorary Vice-President. Such a high level in the composition of CPC governance gives it a certain political weight, even though it is not a governmental body.

The Council of the Portuguese Communities has a consultative body that assists in realizing emigration-related policies and Portuguese communities in foreign countries.²⁵⁵ CPC is authorized to publish feedback, at the request of the Government or the Parliament, about projects and bill proposals and projects of legislative and administrative regulations, international agreements or community guidelines related to Portuguese communities living abroad. Under its initiative, it is also responsible for producing information and evaluations about all matters concerning the Portuguese residents in foreign countries and developing the Portuguese presence in the world. In addition, the CPC formulate proposals and recommendations about the objectives and the application of principles in politics and emigration.²⁵⁶

254. Ministry of Foreign Affairs, [Organization Chart of MFA](#) (accessed 10 April 2022).

255. Lei n.º 29/2015 de 16 de abril Primeira alteração à Lei n.º 66 -A/2007, de 11 de dezembro.

256. Regimento Interno De Funcionamento Do Plenário Do Conselho Das Comunidades Portuguesas.



Box 20: The Council of the Portuguese Communities

The Council of the Portuguese Communities holds plenary meetings every two years and acts under four key pillars:

1. To promote and organize the institutionalization of a contact network between Portuguese and descendant citizens living abroad.
2. To structure and coordinate a process of regular communication between the networks members.
3. To foster and deepen the relations and connection activities between members of the association and local institutions.
4. To establish and deepen the relations of the association with other network communities of Portuguese outside the country.

Source: The official website of Council of Portuguese Communities.

Dual citizenship

The Portuguese citizenship regime was qualified as one of the most liberal and inclusive.²⁵⁷ Currently, Portugal allows multiple citizenships. Moreover, the Portuguese Constitution states that Portuguese citizens who “temporarily or habitually reside abroad shall enjoy the protection of the state in the exercise of their rights and shall be subject to such duties as are not incompatible with their absence from the country”.²⁵⁸

The Nationality Act of Portugal has two objectives: First, to keep and increase the links between Portugal and its expatriates, and second, to respond to the reality of Portugal as an immigration country.²⁵⁹ Although Portuguese Law does not directly regulate the condition of dual citizenship, it implies that access to Portuguese citizenship is never subject to losing any foreign citizenship. Hence two citizenships may coexist under Portuguese legislation.²⁶⁰ Furthermore, the Nationality Act regulates conflicts between Portuguese and foreign nationalities. It prescribes that if a person has two or more nationalities, one being Portuguese, “only the latter is relevant regarding Portuguese Law”.²⁶¹ In addition, it specifies that in the conflict between two or more foreign nationalities, relevant is only the State’s nationality where a person has “habitual residence” and “maintains a closer connection”.²⁶²

257. *Migrant Integration Policy Index*, 2020. Portugal. (accessed 10 April 2022).

258. Constitution of the Portuguese Republic, Article 14.

259. Portuguese Nationality Act, Law 37/81, of 3 October Consolidated version, as amended by Organic Law 2/2006, of 17 April.

260. Gil and Piçarra (2020). Report on citizenship law: Portugal. Global Citizenship Observatory (GLOBALCIT).

261. Portuguese Nationality Act, Law 37/81, Article 27.

262. *Ibid*, Article 28.

Between 2006 and 2020, Portugal reinforced and further expanded the *jus sanguinis* principle in citizenship law. The law foresees that foreign-born grandchildren of Portuguese citizens may acquire Portuguese citizenship by birth, provided they have a sufficient connection to the Portuguese community.²⁶³ The existence of bonds of effective connection to the national community for the purposes established in legislation verified by adequate knowledge of the Portuguese language, non-conviction, and the absence of danger or threat to national security or defence need to be further established. This reform came to benefit individuals born in countries of the Portuguese-speaking community.

As a member of the European Union, Portugal regulates the status of EU citizens under a specific regional regime that provides more opportunities for EU migrants than for third-country nationals. In addition, Portugal also maintains a “privileged” regime for the citizen of Portuguese-speaking countries.²⁶⁴ The Constitution²⁶⁵ and National Act Law²⁶⁶ recognize that citizens of Portuguese-speaking countries can be granted rights that other foreigners cannot have, on the basis of law and on the basis of reciprocity, except in occupying high-level positions in the Government.²⁶⁷ Therefore one may conclude that common language and history among Lusophone countries became a factor for maintaining mutual “privileged ties” and providing citizens of Lusophone states who permanently reside in Portugal with broad citizenship rights under the reciprocity conditions.

Portugal Citizen Card

The Citizen Card (*Cartão de cidadão*) is an identity card that replaces several other cards used for social security, health service, tax-paying and other interactions with governmental assistance. In addition, this card is also used for the voting process from abroad. It could be used in several other countries with some limitations (for instance, length of stay or e-visa).

Since the conclusion of the Equality Statute between Brazil and Portugal (*Estatuto da Igualdade entre Brasil e Portugal*), a Brazilian national may apply for and be issued Citizen Card in the same way as it would be given to a Portuguese national, except that the nationality will be indicated as Brazilian. However, the Portugal Citizen Card is not valid for travel for Brazilian citizens.

263. The Government grants naturalization, with exemption to persons born abroad with, at least, one Portuguese ancestor in the second degree of the direct line, if he or she has not lost his or her Portuguese nationality. The Government may grant nationality, by naturalization, with exemption to persons born in Portuguese territory, to foreign parents, if they have remained habitually in Portugal for ten years prior to the application. The Government may grant naturalization, with exemption to persons who, while not stateless, have had Portuguese nationality, to persons who are considered to be Portuguese descendants, to descendants of Portuguese Sephardic Jews and, to members of communities of Portuguese ancestry. Article 6 of the Nationality Act. See Portugal: Nationality Law (N. 37/81), As Amended By Organic Law N. 2/2018).

264. In 2022, the Portuguese Parliament approved new rules for the entry, stay, exit and removal of certain foreigners in the country. The new law regulates the provision of residence and temporary stay visas to nationals of the Community of Portuguese-Speaking Countries (CPLP). Now the approval of these visas does not depend on approval from the Aliens and Borders Office (SEF). This change is a result of the mobility agreement signed by all CPLP members in July 2021.

265. Article 7 (4) of the Constitution declares that “Portugal shall maintain privileged ties of friendship and cooperation with Portuguese-speaking countries”.

266. Portuguese Nationality Act, Law 37/81, Article 15.

267. Portugal’s Constitution. Article 15(3) ; These positions include ““offices of President of the Republic, President of the Assembly of the Republic, Prime Minister and President of any of the supreme courts, and for service in the armed forces and the diplomatic corps”

Political rights

Non-resident Portuguese citizens have the right to vote. The Electoral Law for the Assembly of the Republic establishes that Portuguese, “who are also considered citizens of another State, do not lose their active electoral capacity for this reason”. The Law provides that the voters of the Assembly of the Republic are citizens registered in the voter register, whether in national territory, Macau or abroad.²⁶⁸ In addition, Brazilian citizens, who have equality status, can also vote in the elections for the Assembly of the Republic and Legislative Assemblies of the Autonomous Regions.²⁶⁹ Further, non-citizen residents from the European Union have the right to vote and to stand as candidates in local and European Parliament elections.²⁷⁰

Voting is voluntary; citizens residing abroad who are registered on the electoral roll can participate in parliamentary and presidential elections.²⁷¹ The law envisaged that electors residing abroad vote in person (in polling stations in embassies and consulates) or by post, depending on the choice made with the respective registration board abroad by the date of each electoral event.²⁷² The Law governing Elections to the Assembly of the Republic, in Article 42-A establishes that polling station venues abroad are placed in consular posts and sections. It includes honorary consulates with powers to register voters in the external delegations of Portuguese ministries and public institutions. *If strictly necessary, in other places* where it is possible to ensure the oversight of electoral operations by delegates of at least two of the candidates.²⁷³

Portuguese citizens registered in the Portuguese register of electors who are residents of European Union Member States and do not choose to vote in their state of residence can participate in the election of the Members of the European Parliament for Portugal.²⁷⁴

Before 2018, Portuguese citizens residing abroad had to register to vote and show a bond with the country, as the Constitution foresaw. However, the reduction of Portugal’s network of embassies and consulates made this process gradually more challenging.²⁷⁵ The 2018 legal reform thus expanded the absolute number of possible voters, regardless of their effective bonds with the country of interest in voting.

Portugal also provides its non-resident citizens abroad the right to initiate legislative changes. Article 2 of Legislative Initiative by Citizens Law establishes that citizens registered on the electoral roll abroad are holders of the right to initiate legislation. Thus, non-resident citizens have the right to amend the Constitution, provide amendments or initiate laws on budgetary, tax-related or financial nature or content.²⁷⁶

268. Law governing Elections to the Assembly of the Republic No 14/79 of 16 May 2022 (accessed 10 August 2022).

269. Decree Law No. 154/2003, Regarding the application of the Treaty of Friendship, Cooperation and Consultation between the Portuguese Republic and the Federative Republic of Brazil, signed in Porto Seguro on 22 April 2000.

270. Constitution of the Portuguese Republic, Article 15.

271. Law governing Elections to the Assembly of the Republic No 14/79 of 16 May 2022 (accessed 10 August 2022).

272. Ibid.

273. Ibid.

274. Law no. 14/87 Electoral Law for Elections to the European Parliament (1987) Article 3.

275. C. Luís (2021). “Presidential Elections in Portugal: From ‘Restrictions as Usual’ to Unexpected Lockdown Case Study”.

276. Law No. 17/2003 of 4 June 2003, and Law no. 51/2020 of 25 August 2020 (accessed 10 August 2022).

Enhancing economic and social rights for diaspora

The *Programa Regressar* (2019) provide benefits for Portuguese diaspora members who return to the country. Special rights or guarantees are provided for social security, medical assistance, taxation, employment, qualification recognition, vocational training and entrepreneurship.

There are two different modes of regulation in the area of benefits. Diaspora members returned from the European Union States or any country with which Portugal has a Social Security treaty²⁷⁷ maintain the social security rights already acquired in these countries. Those returning from a country without a Social Security treaty with Portugal can apply for registration with Voluntary Social Insurance if they wish to continue making discounts or Social Insertion Income (IHR).²⁷⁸ The policies, in detail, regulate different conditions and statuses of returnees concerning their access to social security and pension.²⁷⁹

Box 21: Example of initiatives to expand economic opportunities between diaspora and Portugal

In 2021 Turismo de Portugal launched the first edition of the Online Summer School 2021 for people of Portuguese descent living outside Portugal, which included 5 “schools” to promote regional tourism with contents in Portuguese and English. Five hundred thirty-four people of Portuguese descent from 46 different countries were involved in this initiative. Additionally, the Guide to Support Investment in the Diaspora was published, which aims to facilitate and clarify investment opportunities in the diaspora, both for Portuguese emigrants and people of Portuguese descent living abroad, as well as national entrepreneurs seeking to internationalise their businesses through the diaspora.

Source: State Voluntary National Report on the implementation of the Global Compact for Safe, Orderly and Regular Migration in Portugal (2020).

Recognition system

From 2007 to 2017, Portugal held the Innovative Entrepreneurship Award in the Portuguese Diaspora. The initiative was promoted by COTEC Portugal (Business Association for Innovation) and highly sponsored by the President of Portugal and different foundations to publicly distinguish Portuguese who have stood out for their entrepreneurial and innovative role in the business world. Also, their role at the social and cultural level was recognized. The Award strengthened the bond between the Portuguese and their country of origin and enhanced Portugal’s image and prestige abroad.²⁸⁰

The Portuguese Diaspora Council also regularly holds various events bringing the diaspora and Portugal’s attention to the Portuguese abroad merits and achievements and creating multiple platforms for the rapprochement of the country and its diaspora.

277. Andorra, Argentina, Australia, Brazil, Cabo Verde, Canada, Chile, India, the Republic of Moldova, Morocco, Mozambique, the Philippines, Tunisia, Ukraine, the United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, and the Bolivarian Republic of Venezuela.

278. Directorate General for Consular Affairs and the Portuguese Communities, Return Roadmap (2021, Reintegration Guide for Returnees).

279. Guide for Returnees <https://www.programaregressar.gov.pt/en/> (accessed 10 August 2022).

280. Direção Regional das Comunidades e Cooperação Externa (n.d). *Abertas candidaturas ao Prémio “Empreendedorismo Inovador na Diáspora Portuguesa”* (accessed 10 August 2022).



22



Box 22: Portuguese Diaspora Council

The Portuguese Diaspora Council was founded under the patronage of the President and the Ministry of State and Foreign Affairs in 2012. The Portuguese Diaspora Council develops the idea of mobilizing influent Portuguese citizens to contribute to the uplift of the country's image and reputation in the world, raising awareness of the potential of Portugal and giving shape to a mission of structuring a network of talent and expertise in the Portuguese communities, in the fields of economy, culture, science and citizenship.

Source: www.diasporaportuguesa.org.

Gender and diaspora

In reviewed policies and laws, issues of equality and gender in migration and diaspora engagement were mentioned. At the same time, the measures envisaged in the National Implementation Plan of the Global Compact for Migration, *Regressar* (Return) Programme and the National Diaspora Investment Support Programme do not indicate specific measures that consider the particular needs of women in the diaspora. Nevertheless, women participate actively in the Council of the Portuguese Communities. They have the status of counsellors and also occupy positions in the decision-making body. For instance, the General Assembly (a supreme body of the CPC) comprises more than 90 members, and 23 per cent are women. Also, the Vice-President of the Bureau of the Diaspora Council (consisting of three persons) is a woman from the diaspora. The Board of Directors (it determines CPC's strategic positioning and vision) comprises 13 members, and 5 are women. Despite limited data, the fact that women are presented in the decision-making process of CPC allows one to conclude on gender sensitivity of the current Portugal diaspora engagement policy.

Conclusion

Portugal's significant accomplishments in engaging with its diaspora are recognized, as well as its unique experience where citizens living in the country do not have more privileges than citizens residing abroad in terms of exercising political rights.

Portugal generally has a liberal citizenship system. Its diaspora engagement policy focuses on creating conditions for diaspora investments in Portugal and providing necessary support to integrate into Portuguese society those who return.

Portugal also has created a robust system of diaspora engagement. Diaspora representatives from all over the world have an opportunity to participate in the political life of their home country through their representatives in the Advisory Council for Diaspora Affairs of the Portuguese Parliament. Diaspora members can participate in debates on important political issues, make proposals and request clarifications from government members responsible for the areas of emigration.

TABLE 5: Diaspora rights in Portugal

The term "diaspora" is used, or the definition is established in legislation	Other terms used to describe "diaspora"	Institutions for diaspora engagement are established	Diaspora Engagement Policy adopted	The gender based approach is used in diaspora-related policies
Yes National legislation does not contain the definition of diaspora. However, policies use the term Portuguese diaspora – "diáspora portuguesa".	Yes Lusodescendentes"; "descendentes de portugueses originários".	Yes MFA, the Directorate-General for Consular Affairs and Portuguese Communities, the Council of Portuguese Communities	No A separate diaspora engagement policy was adopted; however, other policies are aimed at diaspora engagement.	Yes, policies are gender sensitive.
Other policies also regulate diaspora engagement.	Dual citizenship is allowed.	Voting rights for citizens living abroad are provided.	Voting from abroad is possible.	The right to be elected in the home country/ host country is established.
Yes	Yes The legislation does not directly regulate the condition of dual citizenship; it implies that access to Portuguese citizenship is never subject to losing any foreign citizenship.	Yes	Yes	Yes
Specific identification schemes are applicable (i.e. identification cards)	Diaspora engagement policies encourage the diaspora to invest in their home country.	Legislative election (1976), European election (1987), Presidential Election (1997), Referendum (2001)	Diaspora Engagement Policies guarantee economic rights.	A recognition system exists.
Yes The Citizen Card (Cartão de cidadão)	Yes	Yes	Yes	Yes

VMI

COUNTRIES OF DESTINATION PRACTICES: A CASE STUDY FROM THE REGIONS

Americas: Colombia

Because of regional challenges, Colombia has become one of the leading recipient countries of forced and other migration flows. Colombia manages migration with solidarity and support to neighbouring populations. It uses a pragmatic approach that allows regularizing migrant status and reducing irregular migration. This innovative approach to regional challenges prompted studying Colombia's experience in diaspora engagement as a host country.

Background information about diaspora

As per figures available at the end of 2021, Colombia hosts 1.84 million²⁸¹ migrants and refugees out of the 6.04²⁸² million Venezuelans who have fled their country since 2015.²⁸³ Colombia has adopted several measures to control migration without closing borders or criminalizing irregular migration. In 2021, it announced Decree 216 on Temporary Protection Statute for Venezuelan Migrants (ETPV) to Venezuelan migrants and refugees to give them access to formal employment and essential services, including healthcare. In addition, Colombia provides citizenship to children born in Colombia to Venezuelan parents.²⁸⁴

281. The Interagency Coordination Platform for Refugees and Migrants (R4V), [Regional Refugee and Migrant Response Plan \(RMRP\), January -December 2022](#) (accessed 10 August 2022).

282. [R4V Latin America and the Caribbean, Venezuelan Refugees and Migrants in the Region - January 2022](#) (accessed 10 August 2022).

283. Global Compact for Migration and United Nations Network on Migration, 2021, [Voluntary GCM Reviews: Colombia](#) (accessed 10 August 2022).

284. Between 19 August 2015 to 30 June 2019, the National Registry of Civil Status of Colombia reported 24,512 registrations of civil birth records in the Colombian territory of children of Venezuelan parents.

As for the external migration flows, Colombians mainly migrate to the Bolivarian Republic of Venezuela, the United States, Spain, Ecuador and Chile. In 2021, Colombia adopted a new Comprehensive Migration Policy Law that took a broader approach toward migration and mobility. It covers the rights and interests of those who come to Colombia (refugees, migrants, migrant workers) and Colombian citizens abroad (migrant workers, returnees).



Box 23: Colombian Comprehensive Migration Policy Law: definitions

Nationality (Nacionalidad) – is a legal, political and mental bond between a person and a State.

Colombian citizens abroad (Colombianos en el exterior) – citizens who reside abroad and maintain blood ties with the Colombian State and their rights and duties with it.

Returnee (Retornado) – Colombian citizen residing abroad who, before meeting the requirements, takes advantage of the assistance route designed by the Colombian State to accompany and grant favourable conditions for his return to the country. Including the children of nationals born abroad, second and third-generation returnees, or the Colombian who, after having lived abroad, returns and, upon request and compliance with requirements, is registered in the Single Registry of Returnees.

Diaspora engagement policy

There is no separate diaspora engagement policy in Colombia. However, legislation related to the regulation of migration covers many aspects of diaspora engagement, including both Venezuelans and Colombians abroad. The information provided in Box 24 is some of the legal acts that show the development of legislation related to the regularization of Venezuelans in Colombia.

Box 24: Colombia's legislation related to the regulation of migration from Bolivarian Republic of Venezuela

2017 – Decision No. 5797 created special stay permits to control the migratory flow from the Bolivarian Republic of Venezuela and to regularize persons' migration status for two years (Venezuelans received rights to work and travel in Colombia).

2018 – Decision No. 10064 established that persons who entered the administrative register of Venezuelan migrants would be able to obtain the special stay permit until 21 December 2018.

2018 – Decree No. 542 created the administrative register of Venezuelan migrants, which is an information and consultation mechanism on the migration of Venezuelans and allows them to obtain a Colombian identification document.

2018 – Decree No. 1288 ensured access to institutional services by persons entered into the administrative register of Venezuelan migrants.

2018 – Decision No. 6370 established the validity period of the special stay permit, which may be obtained by persons entered into the administrative register of Venezuelan migrants. It provided for the extension of that period up to two years.

2019 – Resolution 8470 "Childhood First", which measures were expanded in 2021 through Resolution 8617 that allows children born in Colombia to Venezuelan parents to receive Colombian nationality.

2021 – Decree 216 Temporary Protection Statute for Venezuelan Migrants (ETPV).



In brief, the Temporary Protection Statute for Venezuelan Migrants envisaged measures to enhance equal conditions and access to goods and services, such as health and education. The requirements of ETPV apply to the following Venezuelans:

- Venezuelans with a regular status in Colombia, permit, including asylum-seeker status;
- Venezuelans with an irregular status who entered Colombia until 31 January 2021; and
- Venezuelans who enter Colombia during the first two years of the validity of the ETPV.

The Statute is valid for ten years. To obtain the status under ETPV, a person must:

1. Be registered in the Unique Registry of Venezuelan Migrants;
2. Not have records, notes, investigations or administrative or judicial processes in progress;
3. Not have expulsion, deportation or economic sanction measures in force; and

4. Not to be under the ongoing investigations or convictions for crimes committed in Colombia.

Once the status is received, the person can carry out any activity or legal occupation in the country, including those derived from employment or employment contract.²⁸⁵

As Colombia states, the ETPV is a response to migratory flows from the Bolivarian Republic of Venezuela based on the three pillars: “Welcoming, integrating and growing”. It is underlined that ETPV is enacted to achieve a positive impact in the short, medium and long term of migrants.²⁸⁶

As evident, the Colombian legislation proceeded from the strategy of regularizing Venezuelan migrants and providing them temporarily with an opportunity to stay for two years and enjoy the right to work and freedom of movement.²⁸⁷ However, in 2019, Colombia adopted legislation establishing a new mechanism of migration flexibility. The purpose was not only to reduce unregulated migration flows but through regularization to allow Venezuelans to integrate into everyday life and be productive in the country they moved to. Resolution 8470 (and then 8617) and Decree 216 also reflect the Government’s commitment to protecting the human rights of migrants, as well as fulfilling responsibilities to reduce statelessness.

Concerning Colombians abroad, it is essential to mention that since 2009 Colombia has developed programmes to support returnees who wish to return. Act No. 1565 (2012) authorized the mobilization of funds to support returnees and enhanced the consulates’ work to provide better protection for Colombians abroad.²⁸⁸ Colombia also established the National System for Humanitarian Repatriation to assist Colombians and families of mixed nationality return to Colombia.²⁸⁹ In addition, the new Comprehensive Migration Policy Law (2021) was adopted and guarantees “assistance and improvement of the quality of life of Colombians abroad” and expands opportunities in the country for those who decide to return.²⁹⁰ Thus Colombia provides regulatory mechanisms for its diaspora abroad also.²⁹¹

Diaspora Engagement Institutions

The Ministry of Foreign Affairs (MFA), and the Directorate of Immigration, Consular Affairs and Citizen Services under the MFA are the primary regulators concerning the issues related to migration and mobility, including the interaction with diasporas. The MFA is responsible for formulating, guiding, implementing and evaluating migration policy in the country.

285. Government of Colombia, “ABC of the Temporary Protection Statute for Migrants Venezuelans” (2021) (accessed 10 August 2022).

286. Voluntary GCM Reviews: Colombia (2021).

287. IOM, IOM and UNHCR Welcome Colombia’s Decision to Regularize Venezuelan Refugees and Migrants, 2021.

288. Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families Eighteenth session. Summary record of the 214th meeting. Consideration of reports submitted by States parties under article 73 of the Convention. Second periodic report of Colombia. 31 May 2013 CMW/C/SR.214.

289. Between 2013 and 2018, the National System for Humanitarian Repatriation assisted the return of 9,436 Colombians and families of mixed nationality to Colombia.

290. Comprehensive Migration Policy of the Colombian State – Law 2136 Law No. 2136 – 4 August 2021, Article 2.

291. But since this chapter’s purpose is to consider Colombia’s experience as a host state, the interaction of Colombia with its diaspora abroad has not been studied.

Among its many functions, the MFA develops and executes activities to protect the rights of Colombians abroad and takes relevant actions for diasporas inside the country. At the same time, the Special Administrative Unit Migration Colombia, ascribed to the Ministry, aims to exercise the functions of a supervisory authority and immigration control of the Colombian State.

At the subministerial level, the National Intersectoral Commission on Migration (2003), as a body for coordination and guidance in implementing immigration policy, was established in 2003. The commission’s duties include creating programmes that allow the reconnecting of Colombian nationals (citizens) with their homeland and informing Colombians abroad about strategies concerning rights to protection and social security to safeguard employment rights and benefits they can access.

“Colombia Nos Une” – Colombia Unites Us – is one other institution in the form of the Internal Working Group ascribed to the Directorate of Immigration, Consular Affairs and Citizen Services, which seeks to link Colombians abroad and make them subjects of public policies.²⁹² Likewise, it seeks to establish the conditions, so nationals who wish to migrate do so voluntarily and orderly, ensuring the protection of their rights, maintaining their ties with the country, and providing support for their eventual return.

Dual citizenship

Colombia differentiates concepts of citizenship and nationality. Nationality is based on the principles of *jus soli* and *jus sanguinis*. Article 96 of the Colombian Constitution established that a person could obtain citizenship as a birth right if:

Father or the mother have been Colombian natives or nationals or that, being children of aliens, either parent was domiciled in the Republic at the time of birth.

Father or mother have been born abroad and have later established their domicile in the Colombian territory or registered in a consular office of the Republic.

In 2019, Law 1997 established a special and exceptional regime to acquire Colombian nationality for Venezuelan children born in Colombian territory. Under Law 1997, the domicile of Venezuelan people with either regular or irregular immigration status or asylum-seekers whose children were born in Colombia between 1 January 2015 and two years after the promulgation of the law will be presumed to be Colombia.²⁹³ Furthermore, the legislation establishes that Colombian nationality is not lost by virtue of acquiring another nationality. No Colombian by birth may be stripped of nationality.²⁹⁴

The following persons can obtain nationality by adoption or nationality by naturalization (*La nacionalidad por adopción*):

292. Ministry of Foreign Affairs of Colombia Nos Une (accessed 10 August 2022).

293. Law 1997 of 2019 of 16 September 2019, (accessed 10 August 2022).

294. Constitution of Colombia, Article 96.

Aliens who solicit and obtain a naturalization card, in accordance with the applicable statute, which shall establish the cases in which Colombian nationality is lost through adoption.

People born in Latin America or the Caribbean who are domiciled in Colombia and who, with the government's authorization and in accordance with the relevant statute and the principle of reciprocity, request that they be registered as Colombians in the municipality where they reside.²⁹⁵

Latin American and Caribbean citizens (by birth) can apply for Colombian citizenship after a one-year residency. Other foreigners must reside continuously in Colombia for five years before applying for naturalization. If a foreign citizen is married to a Colombian national or has an enduring partnership, then a foreign citizen must continuously reside for two years in Colombia.

Colombians living in Spain and Spaniards living in Colombia for at least two years could acquire the other country's citizenship without losing their original citizenship. This became possible within signed a bilateral agreement on dual citizenship in 1979 between Colombia and Spain.²⁹⁶ Also, the Constitution declares that those who acquired Colombian citizenship by naturalization are not obligated to renounce their nationality of origin or adoption. In case of renunciation, Colombian nationality may be recovered.²⁹⁷ Thus, Colombia allows dual citizenship.

Regarding citizenship, Article 98 indicates that the renunciation of nationality leads to losing citizenship. In addition, citizenship could also be suspended by a judicial decision in the cases that legislation determines. It refers to the issues when for instance, a person commits crimes against the State and the Constitution.²⁹⁸ Although they have the right to restoration, the restoration process is also different.

Political rights

Colombian legislation provides several political rights to Colombian citizens by birth and naturalization and those who reside abroad. But it also has some limitations for naturalized and those with dual citizenship in enjoying some specific political rights.

As it comes from the Constitution and legislation, any citizen, whether native born or naturalized or who holds dual citizenship, has the right to vote and to be elected and participate in elections, plebiscites, referendums, popular consultations, and other forms of democratic participation.²⁹⁹ Colombian citizens abroad also have to vote in Presidential elections, vote for the country's Senate and be represented by a member of the House of Representatives. However, naturalized citizens or those with dual citizenship are exempt from the right to have public functions and responsibilities.³⁰⁰ In particular, the following public functions cannot be fulfilled by naturalized citizens or those who have dual citizenship:

- President and Vice-President of the Republic;
- Senators of the Republic;
- Judges of the Constitutional Court, Supreme Court, and the Higher Council of the Judiciary;
- Attorney General;
- Members of the National Electoral Council and National Civil Registrar;
- Comptroller General;
- Procurator-General;
- Minister of Foreign Relations and Minister of National Defence;
- Directors of intelligence and security organizations; and
- "Others determined by law".³⁰¹

Unlike dual nationals by birth, dual citizens by naturalization are excluded not only from the public positions listed above but also from any position in Congress and the post of director of Administrative Departments (i.e. national administrative entities with specific purposes that function in parallel to the ministries).³⁰²

It is also important to mention that under Temporary Protection Status, Venezuelans are not granted political rights.

Enhancing economic and social rights for diaspora

The Statute on Temporary Protection Status is part of Colombia's efforts to integrate the foreign population in conditions of vulnerability to enjoy their economic and social rights. As indicated, the status under the ETPV allows its holder to access many services offered in Colombia by public institutions and private actors, including affiliation to the social security system in Colombia, access to opportunities for employability and entrepreneurship on equal terms and inclusion in the financial system.

However, it is worth noting that local governments in some regions of Colombia may face challenges in effectively implementing the ETPV. In particular, they may meet challenges with the economic integration of the Venezuelans and the creation of equal opportunities in obtaining decent work.³⁰³ Venezuelans also hardly can access employment programmes that support the unemployed population. Studies revealed that due to limited employment opportunities and that the ETPV programme was not receiving sufficient funding in some regions of Colombia, Venezuelans face challenges in fully integrating into economic life and enjoying social benefits.³⁰⁴

295. Ibid.

296. Law 71 of 1979.

297. Constitution of Colombia, Article 96.

298. Law 43 of 1993, art. 24.

299. Colombia's Constitution of 1991 with Amendments through 2015, Article 40.

300. Colombia's Constitution of 1991 with Amendments through 2015, Article 40.

301. Law 43 of 1993, art. 28.

302. Law 43 of 1993, art. 29.

303. Guerrero Ble, M. and S. López Villamil (2022). An Opportunity for Change: The Case for Economic Inclusion of Venezuelans in Riohacha (Refugees International).

304. Ibid.

As for Colombians, the Government undertook several measures to facilitate citizens' reintegration abroad. The law encourages repatriation and provides voluntary returnees with comprehensive support such as exemption from taxation,³⁰⁵ family allowance funds, exemptions regarding the military status³⁰⁶ and other tailored support.³⁰⁷

Gender and diaspora

The migration policy of Colombia has been defined as gender-sensitive, and laws and policies reference women's specific needs and underline their vulnerability in the context of migration.³⁰⁸ However, there is not enough information about implementing these laws and policies. Some studies revealed that Venezuelan women are at risk of being excluded from economic opportunities even after entering the ETPV programme.³⁰⁹ Many Venezuelan women are the only carers in their families. However, at the same time, the existing programmes do not enhance their access to childcare services. Limited opportunities related to non-involvement in current programmes, including the ETPV, may limit their survival mechanisms and put them at security risks (forced labour, sexual exploitation, and other risks).³¹⁰

Conclusion

The experience of Colombia as a host country for foreign populations that have integrated them for a long term is progressive. This experience combines a human rights-based approach and objective to regularization and supports different groups of migrants from the region. The ETPV has a high potential to reduce the risks of irregular migration and increase the country's economic productivity. More than a million Venezuelans already contribute to the region's economy by consuming local goods and services and paying taxes. Although there are ways to improve the ETPV implementation at the local level, the Colombian Government's pathway towards supporting the Venezuelans can lead to positive effects for both Colombia and the region. The resettlement of Venezuelans in Colombia could open the door to investment in development and humanitarian aid, mobilize the economy and spur growth in the region.

Although the ETPV is focused on the regularization of migration and integration of Venezuelans into the economy, the opportunity of dual citizenship for Venezuelan minors equates them to Colombians from birth. Undoubtedly, this will be the subject of new research regarding the diaspora, transnational networks within the region and the transnational identity of Venezuelans of Colombian origin.

305. Law No. 1565 of 2012 and Article 5 of Act No. 1565 of 2012 (Congreso de la República de Colombia).

306. Law No. 1861 of 2017 (Congreso de la República de Colombia).

307. Regulations pertaining to the Act were issued through Decrees Nos. 1000, 2064 and 2192 of 2013.

308. For instance, see Article 2 "Objectives of the Comprehensive Migration Policy" of the Law 2136 of 2021.

309. Guerrero Ble, M. and S. López Villamil, (2022).

310. Ibid.

Regarding the laws and policies toward naturalized migrants, Colombia puts some distinctions between citizens by birth and naturalization like other countries.

TABLE 6: Rights of the diaspora in Colombia

The term "diaspora" is used, or the definition is established in legislation	Other terms used to describe "diaspora"	Institutions for diaspora engagement are established	Diaspora Engagement Policy adopted	The gender-based approach is used in diaspora-related policies
The term "diaspora" is used, but no definition is provided. However, the legislation defines "Colombians abroad" – and describes them as Colombian citizens residing abroad who "maintain their blood ties with the Colombian State, as well their rights and duties with it". (Comprehensive Migration Policy of the Colombian State (2021).	Yes, the term "Colombians abroad".	Yes. Several ministries work with diasporas at home and abroad (MFA, MIA), but there are also different structures at the ministerial level involved in diaspora engagement.	There is no separate diaspora engagement policy, but Colombia also adopted 2021, a Comprehensive Migration Policy of the Colombian State that covers diasporas.	Yes, reviewed policies were gender sensitive.
Other policies also regulate diaspora engagement.	Dual citizenship is allowed.	Voting rights for citizens living abroad are provided.	Voting from abroad is possible.	The right to be elected in the home country/ host country is established.
Yes, Act No. 1565 of 2012, Law 2136 of 2021, Law 1997 of 2019, and Decree 216 on ETPV.	Yes, since 1991.	Yes, since 1991.	Yes	Yes, since 1991.
Specific identification schemes are applicable. (i.e. identification cards)	Diaspora engagement policies encourage the diaspora to invest in their home country.	Diaspora engagement policies guarantee social rights.	Diaspora Engagement Policies guarantee economic rights.	A Recognition system exists.
Not applicable	Not applicable	Yes	Yes	Not applicable

Europe: Germany

Background information about diaspora

European countries developed diaspora policies after 2000, and development is still ongoing. Diaspora engagement in European Union (EU) member States varies, but traditionally diaspora engagement focused on providing for cultural needs, such as language schools and cultural programmes for the diaspora. Some EU member States allow dual citizenship. When they do not, the policy provides for naturalization.

In the case of Germany, it continues to see diasporas in the country in the dual roles of target populations for organizational development aid, communications, outreach, and advisers, partners, and contributors.³¹¹ According to the Federal Statistical Office of Germany, in 2022, about 22.3 million of the population had a migrant background, and around 11.8 million foreign population resided in Germany.³¹²

At the same time, there is no policy in place in Germany to develop or strengthen relations with Germans abroad, living long term or permanently abroad. Still, access to voting and pension rights is strongly facilitated for German-born citizens abroad.³¹³

Diaspora engagement policy

In 2020 Federal Government of Germany adopted the National Action Plan on Integration that ensures Federal, State and local authorities cooperate with other partners, including diasporas, to achieve the following:

- Implement measures for successful integration;
- Build cooperation between the German Government, State and local authorities, civil society and migrants' organizations.
- Implement 5 phases: From pre-migration in migrants' countries of origin to full integration and cohesion in Germany.³¹⁴

These five phases measure of immigration and cohabitation addresses the following:

- **Phase I** – Before migration: “Managing expectations – providing guidance”. The aim is to manage the expectations of people who have decided to come to Germany before leaving their own country and provide them with guidance. In the countries of origin of migrants, the future immigrants are systematically prepared for Germany with German language courses and information and education services.

- **Phase II** – Initial integration: “Facilitating arrival – communicating values”. This phase begins when immigrants arrive in Germany. The period immediately after their arrival is crucially essential for the integration of all new immigrants. They need guidance and support, and projects in this phase provide for language courses, deliver advice on getting professional and academic qualifications recognized, and promote education and training.
- **Phase III** – Integration: “Providing for participation – encouraging and requiring active involvement”. To ensure successful integration and access to the labour market, early childhood education, and civil society engagement, services at the local level help develop the skills that individuals need to participate fully in society. Projects in this phase demonstrate the importance of participating in the community and learning newcomers on preconditions that must be met.
- **Phase IV** – Growing together: “Managing diversity – ensuring unity”.
- **Phase V** – Cohesion: “Strengthening cohesion – shaping the future”.

To implement this National Action Plan, Germany works with 300 partners, State and local authorities, the private sector, civil society, and 75 migrant organizations or diaspora organizations.

The National Action Plan on Integration is an ongoing project with a robust evaluation mechanism to assess how the implementation proceeds. In addition, Germany practices issuing reports on the country based on this plan's implementation. All reports are available on the official website of the Federal Government of Germany and the Migration for Development programme on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ).³¹⁵

According to the German Federal Government's Integration Commissioner, there are about 20,000 diaspora organizations in Germany, that support integration and cultural cohesion in Germany as well as development projects in their countries of origin, thus creating a bridge “between their old and new homes”.³¹⁶ Further, the German Federal Foreign Office's (GFFO) Strategic Plan on Humanitarian Aid (2019 – 2023) makes reference to the diaspora as an important partner within the international humanitarian system.³¹⁷

To achieve Objective 19 of the Global Compact for Migration, the Federal Government established a development policy dialogue with important migrant umbrella organizations in Germany. Moreover, the Federal Government harnesses the potential of diaspora engagement to drive social and economic development in 22 partner countries through its Migration and Diaspora Programme (PMD) implemented by GIZ and Labour ministries in the project countries.³¹⁸ The PMD is commissioned by Federal Ministry for Economic Cooperation and Development (BMZ).³¹⁹ This programme builds on the experience and

311. Newland, K. (2022). “Destination-Country Policies to Foster Diaspora Engagement in Development”.

312. Federal Statistical Office of Germany (accessed 10 August 2022).

313. See A. Klekowski von Koppenfels (2020). “Diaspora Policies, Consular Services and Social Protection for German Citizens Abroad”.

314. Official website of the Federal Government of Germany “Making integration easier for migrants” (accessed 10 August 2022).

315. [Diaspora2030](#) (accessed 10 August 2022).

316. [Diaspora Organizations](#) (accessed 10 August 2022).

317. Federal Foreign Office, *Strategie des Auswärtigen Amtes zur humanitären Hilfe im Ausland 2019 – 2023*.

318. The Federal Government (2020). *Global Compact for Safe, Orderly and Regular Migration, Regional Review. Contribution by the Federal Republic of Germany*.

319. Albania, Cameroon, Colombia, Ecuador, Ethiopia, Georgia, Ghana, India, Indonesia, Jordan, Kenya, Kosovo, Morocco, Nepal, Nigeria, Peru, Senegal, Serbia, Tunisia, Ukraine, Viet Nam, Palestinian Territories, Kosovo (References to Kosovo shall be understood to be in the context of United Nations Security Council resolution 1244 (1999)).

results of the predecessor Migration for Development programmes (in phases I and II). Since 2011, up to 150 diaspora organizations have received assistance for their projects that aim to bring lasting improvement to the living conditions of people in the partner countries.³²⁰ The programme also facilitates knowledge and skill transfer by supporting temporary assignments by diaspora professionals in partner countries' institutions and the voluntary return of highly qualified experts to their countries of origin. The programme promotes reintegration into the local job market so returning experts can contribute with the professional know-how they have acquired in Germany.³²¹

Diaspora Engagement Institutions

The Directorate-General for Migration, Refugees and Return Policy is the primary official body that sets Federal Government's migration policy and oversees it. This body is responsible for all legislation and policies aimed at residence, freedom of movement at the national and European levels and issues related to the return of foreigners required to leave the country.³²²

The Federal Office for Migration and Refugees (BAMF) of the interior ministry leads the governance of asylum, migration, and integration issues in Germany. It promotes and coordinates integration measures, data collection, and research, while local actors are responsible for implementing BAMF's measures. In addition, the Federal Employment Agency, a self-administered public body, is in charge of integrating persons into the labour market. At the same time, the Commissioner for Migration, Refugees and Integration assists the Federal Government in developing its integration policy and promoting the coexistence of all residents of Germany.

The leading implementing agency for projects in diaspora engagement is the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ). Its Center for International Migration and Development (CIM), in particular, is a joint operation between GIZ and the Federal Employment Agency. Besides GIZ, there is also "Engagement Global", an institution that coordinates development cooperation activities at the local level.

Germany has a consular network supporting German nationals abroad besides these bodies and organizations involved in integrating migrants and developing cooperation with diasporas. There are 220 representations (embassies and consulates) and over 330 honorary consuls.³²³

Dual citizenship

The nationality legislation in Germany has undergone significant changes in the last decade. Germany prohibited dual nationality, with exceptions. Previously Germany strongly followed the principle of *jus sanguinis* to acquire German nationality. In other words, children usually receive German nationality if a parent was a German national, irrespective of the place of

birth. The new law introduced *jus soli* elements and made it easier for foreign residents in Germany, especially their German-born children, to acquire German citizenship. Thus currently, Germany allows dual citizenship only in the following situations:

- For children who have at least one German parent (and a foreign parent) at the time of their birth;
- For children who are born in Germany to foreign parents;
- For naturalized citizens who cannot forfeit their previous nationality;
- For German expatriates who have applied for retention to keep their citizenship and get another nationality; and
- For foreign citizens who are descendants of German nationals.

When foreign citizens become naturalized in Germany, they must give up their previous nationality. Dual nationality is acceptable only if:

- They have EU or Swiss citizenship;
- They cannot give up their previous citizenship because their home country forbids it (e.g. Mexico, Ecuador, Argentina);
- They are born with dual citizenship;
- They are in Germany as refugees, asylum-seekers, or persecuted persons; and
- They cannot give up their previous citizenship due to age, poor health, or poor financial situation (hardship case, i.e. losing assets, paying hefty fines, or losing an annual income of at least EUR 10,225).³²⁴

Since the Citizenship Reform Law came into force (2000), 2.56 million people have naturalized in Germany by 2020. In 2020, 63.2 per cent of all naturalizations were completed with the former citizenship retained. One of the reasons this indicator is so high is that almost all EU citizens naturalized in Germany in 2020 will have their previous citizenship (98.7%).³²⁵

TABLE 7: Naturalization in Germany 2020

EU countries	30.5 %
European countries that are not EU members	28.8 %
Asia	25.2 %
Africa	9.9 %
America	4.3 %

Source: Federal Statistical Office: Naturalizations.

324. Nationality Act of 22 July 1913 (Reich Law Gazette I p. 583 - Federal Law Gazette III 102-1), as last amended by Article 1 of the Act of 12 August 2021 (Federal Law Gazette I p. 3538) Section 12 Naturalization accepting multiple nationality (accessed 10 August 2022).

325. Federal Agency for Civic Education, *Social situation in Germany*. Naturalized persons, 1 January 2022 (accessed 10 August 2022).

320. Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH *Project Description* for Programme Migration & Diaspora (accessed 10 August 2022).

321. The Federal Government, 2020 GCM Regional Review.

322. Federal Ministry of the Interior, Structure and organization (accessed 10 August 2022).

323. Lafleur, J. and D. Vintila, (2020). *Migration and Social Protection in Europe and Beyond (Volume 2): Comparing Consular Services and Diaspora Policies*.

German expatriates abroad can retain their German citizenship and obtain a second nationality if the second nationality is from an EU country or Switzerland. However, German citizens can get dual citizenship in other countries if they apply for a retention permit (*Beibehaltungsgenehmigung*).

German legislation also established that the victims of Nazi rule during World War II who were forced to give up their German nationality between 30 January 1933 and 8 May 1945 due to prosecution on political, racial, or religious grounds could reclaim it. They are also eligible for dual citizenship by descent, provided they meet the eligibility criteria.³²⁶ The United States and Germany allow their citizens to keep both nationalities. So, individuals who have one American parent and one German parent become German/ United States dual citizens at the time of their birth – no matter where they were born. However, there are rules and laws that dual citizens need to follow; for example, they may be required to pay taxes in both countries Germany and the United States.



Box 25: Access to nationality in Germany

Germany has a demanding path to obtain/provide citizenship. It makes citizenship conditional upon an applicant's income and economic situation. Thus Germany's conditions to access the nationality are considered "halfway favourable".

Source: Migrant Integration Policy Index. Germany (2020).

Political rights of diaspora members: voting and election

Germany allows participation in the Bundestag and State elections (*Landtagswahlen*) only for German citizens. All German citizens and EU citizens who have lived in Germany for more than three months can vote in the municipal/ local elections (*Kommunalwahlen*). Furthermore, all adult EU citizens can vote in the European elections.

Even if not allowed to vote, diaspora representatives without citizenship still have other ways to become politically active in Germany. They can join a initiative (*Bürgerinitiative*) and work with locals in activities such as building a street or protecting a park. If a person wants to get involved politically for the long term, they are allowed to join a party.

Economic and social rights of diaspora

Development projects initiated by Germany are usually implemented in the form of cooperation between the Germany and the country of origin. These projects allow citizens of certain countries with whom Germany has a cooperation agreement to enjoy specific education rights, taxation, health, and culture.

326. Basic Law for the Federal Republic of Germany Article 116 (accessed 10 August 2022).

Box 26: Examples of the diaspora engagement projects in Germany

Example of the diaspora engagement project with Indonesia

German-Indonesian societies (DIG) consist of Germans and Indonesians, often Indonesian women married to Germans. The DIG aims to enhance mutual friendship and understanding between the two communities. They organize social and cultural events often focused on specific themes. DIGs also help to integrate Indonesians into German society and foster Indonesian culture.

The German Indonesian Medical Society (DIGM) is another association founded in 1996 by Indonesian and German medical doctors and the former German Ambassador in Jakarta. It aims to stimulate relations and cooperation between the two countries in the health care field. DIGM, among others, provides emergency care and facilitates exchanges, training and cooperation projects between Indonesian and German medical faculties, such as between the University of Muhammadiyah in Yogyakarta and the University of Munster.

Example of academic cooperation between African diaspora in Germany

The SEPT-Programme (Small Enterprise Promotion and Training) at the University of Leipzig cooperates with six African universities in five countries (Ethiopia, Ghana, Kenya, Rwanda and United Republic of Tanzania). The project, entitled iN4iN Africa Network, is funded by the German Academic Exchange Service (DAAD) under the partnership programme and seeks to support entrepreneurship in developing economies through knowledge exchange. In particular, the programme enhances cooperation between universities and the local private sector and establishes training the trainer facilities for managing investments at the participating African universities. The Adama Science and Technology University participates in the programme in Ethiopia, which was implemented in 2013–2016.

Source: German-Indonesian Medical Society. DAAD, Case studies and recommendations for the "University-Business-Partnership Programme" (2017).

Worth to note that several national legislations regulate other rights of representatives of the diaspora community in Germany. Namely, the Immigration Act for Skilled Workers (2020), Asylum Act (2015), and Integration law (2016) which is accompanied by the Ordinance on the Integration Course, which details the implementation of the integration system based on a "support and demand" (*Fördern und Fordern*) approach. In addition, Germany has the Recognition Act (2012), which regulates the fast recognition of qualifications and skills of Third Country Nationals, and the Nationality Act (2000) governs the acquisition of German citizenship. In addition, Germany has the General Act on Equal Treatment (2006) that regulates the fight against discrimination in employment and civil law.³²⁷

327. European website on integration, *Governance of migrant integration in Germany* (accessed 10 August 2022).



Regarding the social security of migrants worth mentioning that multilateral agreements and frameworks under regulation coordinate the social security system.³²⁸ The Federal Republic of Germany has also signed mutual social security agreements with more than 20 countries to acquire pension eligibility and pay pensions in the respective countries.³²⁹

Gender and diaspora

Based on the materials reviewed in this study, there is no evidence on provisions or statements that gender equality will be a separate programming milestone. The reviewed laws do not include any special measures to ensure the rights and needs of women from the diaspora. However, Germany's PMD initiatives in 22 countries strongly focus on gender equality. For example, initiatives enhanced women's capacity in the diaspora, enabling them to contribute to their origin countries' economy, or projects included indicators aimed to ensure the participation of at least 30 per cent of women in projects.³³⁰

Conclusion

Germany uses an approach to support and strengthen diaspora organizations, consult with diasporas on development policies and programmes, and encourage skilled diaspora members to countries of origin. At the same time, there is no policy in place in Germany to develop or strengthen relations with Germans abroad, living long term or permanently abroad.

TABLE 8: Diaspora rights in Germany

The term “diaspora” is used, or the definition is established in legislation.	Other terms used to describe “diaspora”	Institutions for diaspora engagement are established	Diaspora Engagement Policy adopted	The gender-based approach is used in diaspora-related policies
Yes. Policies use the term “diaspora”.	Yes, “Germans abroad”.	Yes	There is no separate diaspora engagement policy, but Germany has programmes and projects aimed at diaspora engagement.	Yes, reviewed policies and projects were gender sensitive.
Other policies regulate diaspora engagement.	Dual citizenship is allowed.	Voting rights for diaspora members are provided.	Voting from abroad is possible.	The right to be elected in the home country/ host country is established.
Yes	No, but there are exceptions.	German citizens abroad are provided with these rights as well as naturalized citizens.	Yes	Yes
Specific identification schemes are applicable. (i.e. identification cards)	Migration-related policies encourage the diaspora to invest in their home country.	The benefits of exercising social rights are established.	The benefits of exercising economic rights are established.	A Recognition system exists.
No	Not Applicable	Yes	Yes	Not Applicable

328. For instance, Regulations 883/2004 and 987/2009 apply.

329. C. Van Panhuys et al. (2017). Migrant access to social protection under Bilateral Labour Agreements: A review of 120 countries and nine bilateral arrangements (ILO ESS – [Working Paper No. 57](#)) (accessed 10 August 2022).

330. Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH [Project Description](#) for Programme Migration & Diaspora (accessed 10 August 2022).

CONCLUSION

Migrants retain socioeconomic and cultural links in more than one country, and the transnational nature of their lifestyles becomes a core of their identity. The impact of this transnational identity is recognized by sending and receiving States, and they develop legal or policy frameworks to formalize their relationship with diaspora members.

This case study contributes to the ongoing discussion about diaspora engagement in the development agenda and the importance of legal recognition of migrants' transnational identity by studying trends in the legal and policy framework of countries of origin and destination. Based on the experience of the selected jurisdictions, the report describes where States made significant accomplishments and the potential areas where proactive action is still needed.

Trends in creating a legal framework for diaspora engagement. There is no effective “one-size-fits-all” model for States to engage with diasporas because the nature of this relationship depends on different matters, regional and historical contexts. However, institutionalizing relationships through established agencies and developed laws and policies are the main steps toward building effective and responsible relationships between States and diasporas.

Diaspora engagement policy. The review validates that countries with established relations with the diaspora have either programmes or policies (components in policies) to engage with nationals abroad or populations with migrant backgrounds inside the country. Only Ghana has drafted a separate diaspora engagement policy for the six countries reviewed in this study but has not yet adopted it. India, Portugal and Germany represent other examples where the government does not have a separate diaspora engagement policy. However, they established the necessary institutional support for maximizing diaspora engagement or developed and implemented different programmes in this area. Mexico incorporated diaspora engagement in the New Migration policy, and Colombia chose to regulate it through a separate law on migration. As one can see, states may select different options; however, the relations between the State and diaspora are institutionalized.

Dual citizenship. Dual citizenship is one of the mechanisms by which states recognize an individual's transnational identity. Through dual citizenship, countries of origin keep and increase the links with their expatriates, and countries of destination create inclusive conditions for immigrants. However, states recognize that dual citizenship does not only provide access to “basic rights and freedoms” both in the destination and origin country but also may lead to “divided loyalty”. Ghana plans to reduce the instances of dual

citizenship through education of the diaspora, conducting research, establishing a database profiling dual citizens, and promoting cooperation and dialogue with dual citizens. Mexican Constitution establishes that laws will regulate the rights of persons with dual citizenship rights to avoid double citizenship conflicts. States also limit access to public functions for those with dual citizenship. When states do not recognize dual citizenship, they can still provide their diaspora mechanisms to maintain links using “quasi-citizenship”. India prohibits dual citizenship but grants overseas Indians “OCI cards”. By this, the State recognizes the connection of the diaspora members with India and formalizes it differently than citizenship. Although a person does not have similar rights to a citizen, the OCI card provides other advantages to maintaining a person’s transnational identity and connection with their origin community. Also, important to note that States may choose to grant citizenship or allow dual citizenship to reduce the risks of irregular migration or statelessness, as the case of Colombia and Mexico show.

Political rights. Voting abroad is another way to maintain a person’s connection to a State of origin. In some states, the diaspora lobbies led to such changes (Ghana); however, technical capacity still hinders a state’s ability to implement the law. At the same time, other countries have gone beyond the generally accepted practice of creating conditions for voting from abroad; they provide the right to be elected and represent the interests of the diaspora on national platforms (Mexico, Portugal). Mexico and Portugal created a narrative in their region according to which the physical absence of persons is no longer a condition to exclude them from the life of their country of origin.

Economic and cultural rights. States’ measures in this are mainly connected with enhancing the mobilization of remittances. At the same time, there is a tendency when countries have also encouraged their diaspora members to return on a temporary or longer-term basis and put their skills and knowledge to use and share (Ghana, Mexico, Portugal). Portugal and Mexico developed unique programmes enhancing returnees’ integration and access to economic rights. Other measures of countries of origin are providing access to land, housing and tax exemption. Destination states also develop measures to support better integration through social benefits and employment access. Still, sometimes, migrants can hardly access economic or social integration guarantees due to a lack of sufficient mechanisms or shortcomings in local budget allocations (as seen from the Colombian experience with ETPV).

Gender-responsive measures in diaspora engagement policies. The specific needs of women and their vulnerability to risks in the context of migration are emphasized in policies (Ghana, Mexico, Colombia and India). Also, States implement projects with gender markers (Germany). Moreover, a review of articles related to diaspora activity reveals strong aspects of diaspora women’s agency such as the ability to identify problems, set goals, make choices and act) in all selected jurisdictions. Still, there is a lack of information on the organization of women in the diaspora in revised policies, their contributions are not always visible in policies, and current challenges and priorities are not sufficiently analysed and covered.

Definition of diaspora. For this study, it was essential to examine what definitions of the diaspora continue to be used at the international and regional levels and how states operate with this concept. As the review revealed, no single accepted definition of the term exists. IOM’s definition reaches a consensus by combining the diaspora’s essential features.

However, the term broadened or narrowed at the domestic level. Still, it is indisputable that the definition of these terms may influence or shape policy direction. An inclusive one will extend opportunities for engagement, and a narrow other could limit the options that diaspora members and transnational communities may have. However, because international law does not regulate diaspora, States have the discretion to select the most appropriate definition of the term.

Recommendations

Based on the results of the case study, the following recommendations are proposed for the policymakers in countries of origin and destination:

- Institutionalize the diaspora engagement in policy and legislation. While developing policies, take into account the transnational identity of diaspora members and best practices to optimize diaspora potential and consider their needs and abilities to participate in the development agenda. Create conditions for diaspora members to be involved in drafting diaspora engagement policy.
- Deploy a gender-responsive approach in diaspora engagement policies and programmes.
- Open discussion platforms between states and diaspora members at the local and regional level to debate the practical implementation of dual or multiple citizenship rights and obligations, reveal legal collisions and gaps in the regulation of dual citizenship and develop recommendations for further improving laws and policies facilitating dual citizenship.
- Conduct awareness campaigns among the diaspora and the population (in host and home countries) about the rights and obligations of an individual with two or more citizenships, transnationalism and transnational identity, and inform on the procedures for obtaining or renouncing citizenship.
- Adopt measures that ensure the exercise of political rights of diaspora members, particularly the right to vote abroad.
- While developing measures for the economic and social integration of diaspora members, consider the local context, allocate sufficient funding, and take other actions to allow migrants to gain access to guaranteed rights.
- Actively engage diasporas in contributing to the advancement and implementation of Objective 19 of the Global Compact for Migration.
- Conduct regular studies following the principle of “know your diaspora” to assess the trends and reveal obstacles to effective diaspora engagement.
- Use a gender-based approach to understand the specific need and abilities of women in the diaspora.

ANNEX

TABLE 9: Definition of the diaspora at the domestic level

Country	Is the definition of “diaspora” established in law and policies, or was it used in official statements?	Example /s of the definition of “diaspora”	What other terms are used?
AFRICA REGION			
Angola	No	N/A	Communities abroad; Angolan communities residing in Africa; Angolan communities not living in Africa; Association of Angolans.
Egypt	No	N/A	Egyptian citizens abroad
Ghana	Yes	<p>“Diasporas are broadly defined as individuals and members or networks, associations and communities who have left their country of origin but maintain links with their homelands”.</p> <p>Source: National Migration Policy for Ghana (2016) Section Glossary of Terms.</p> <p>“Diaspora - Ghanaians who have migrated and are resident outside Ghana; Ghanaians born to Ghanaian parents (either one or both) living outside Ghana, described as second and third generations; the youth (who migrated from Ghana or were born abroad); descendants of enslaved Africans and all persons of African descent who have historical and cultural ties with Ghana and also have interest in Ghana’s development”.</p> <p>Source: Draft of Diaspora Engagement Policy for Diaspora (version of April 2020) Section Glossary of Terms.</p>	N/A
Lesotho	Yes	<p>“People of Lesotho origin living outside the country; Any person willing to preserve and embrace Lesotho’s heritage; Any person who contributes to the development.”</p> <p>Source: Government of Lesotho, 2021 National diaspora Policy.</p>	N/A
Rwanda	Yes	<p>“All Rwandans who left their country voluntarily or forced to leave, who are willing to contribute to the development of Rwanda.”</p> <p>Source: National Migration Policy and Strategies.</p>	N/A
LATIN AMERICA AND THE CARIBBEAN			
El Salvador	No	N/A	Salvadorians abroad
Guyana	Yes	The term “diaspora” is used in official documents, but no definition was found.	Overseas Guyanese
Mexico	Yes	The term “diaspora” is used in official documents, but no definition was found.	Nationals abroad; “Paisanos”, Nationals; Mexicans abroad; Mexican communities abroad.

Country	Is the definition of “diaspora” established in law and policies, or was it used in official statements?	Example /s of the definition of “diaspora”	What other terms are used?
Jamaica	Yes	People/persons identify themselves as being from their respective country of origin, and who often share certain values, generational and cultural linkages.” <i>Source: The National Diaspora Policy.</i>	N/A
ASIA			
Azerbaijan	No	N/A	Azerbaijanis residing abroad, citizens and their children; persons who previously had citizenship of the Azerbaijan SSR or the Azerbaijan Republic and their children; persons and their children who do not belong to the first two groups but consider themselves Azerbaijanis due to ethnic, linguistic, cultural, or historical ties. <i>Source: Law “On state policy towards Azerbaijanis living abroad” (2002).</i>
India	No	N/A	Non-Resident Indians (NRI) or citizens holding an Indian passport living or working in another country; Overseas Citizens of India (OCI) – a person of Indian origin who was a citizen of India and persons with at least one parent, grandparent or great-grandparent who is an Indian citizen; or persons married to an Indian citizen; Person of Indian Origin (PIO) – a foreign citizen (except a national of Pakistan, Afghanistan, Bangladesh, China, Islamic Republic of Iran, Bhutan, Sri Lanka and Nepal) who at any time held an Indian passport or a person whose parents/ grandparents/great grandparents was born and permanently resident in India as defined in Government of India Act 1935 and other territories that became part of India thereafter. PIO could also be a person who is a spouse of a citizen of India or a PIO. <i>Source: India Ministry of Home Affairs, Comparative chart on NRI/PIO/OCI cardholders (2017).</i>
Kazakhstan	Yes	Kazakh people (ethnic community) living outside the country of historical origin. <i>Source: Law of the Republic of Kazakhstan “On population migration” (2011).</i>	A former compatriot; “Qandash” (from Kazakh “one-blood”); an ethnic Kazakh.
Nepal	No	N/A	Non-resident Nepalis
Philippines	No	N/A	Overseas Filipinos; Filipino Dual Citizens; descendants; Filipino Overseas Contract Workers.

Country	Is the definition of “diaspora” established in law and policies, or was it used in official statements?	Example /s of the definition of “diaspora”	What other terms are used?
Tajikistan	No	N/A	Compatriots – societies of Tajiks whose members live in foreign states and have received foreign citizenship; Foreign compatriots – citizens who live and work abroad but do not relate to Tajik diaspora; Tajiks abroad – any Tajiks who are historically indigenous people of other countries. <i>Source: State Concept of Attracting Compatriots Living Abroad as Partners for the Development (2010).</i>
Viet Nam	No	N/A	Overseas Vietnamese; Persons of Vietnamese origin residing abroad; Vietnamese People.
Uzbekistan	No	N/A	Compatriots – citizens of Uzbekistan permanently residing abroad, citizens temporarily staying abroad, immigrants from Uzbekistan who have gone abroad and become citizens of a foreign state and their descendants who have retained a sense of spiritual and cultural involvement in the Motherland and striving to develop friendly cultural, humanitarian, socioeconomic and other ties with Uzbekistan. <i>Source: The Concept of the State Policy of the Republic of Uzbekistan in the field of Cooperation with Compatriots Living Abroad (2018).</i>
EUROPE			
Latvia	Yes	Citizens residing permanently outside the country, Latvians and others who have a connection to Latvia and their family members. <i>Source: Diaspora Law (2018).</i>	N/A
Portugal	No	N/A	Portuguese diaspora; “lusodescendentes”; “descendentes de portugueses originarios”.
Republic of Moldova	Yes	Citizens who temporarily or permanently reside outside the country and persons originating from the Republic of Moldova, their descendants, and their communities. <i>Source: National Strategy “Diaspora 2025”.</i>	N/A
Serbia	Yes	Citizens living abroad; members of the Serbian people – emigrants from the territory of the Republic of Serbia and from the region and their descendants. <i>Source: Law on Diaspora and Serbs in the Region (2012).</i>	N/A
The United Kingdom of Great Britain and Northern Ireland	Yes	International migrants who, although dispersed from their homelands, remain part of their community of origin. <i>Source: UK House of Commons.</i>	N/A
Ireland	Yes	The Irish diaspora is composed of individuals of every background from communities in every part of the world. <i>Source: Ireland’s Diaspora Strategy 2020–2025.</i>	N/A

TABLE 10: Ghana Diaspora Engagement Policy (extracts from the draft version)

ACTION AREA 1: CAPACITY-BUILDING	
Policy Objective: Enhance diaspora–homeland relationship through symbolic nation-building and strengthen institutional capacity	
POLICY INITIATIVE	KEY ACTIVITIES
Enhance the Ghanaian diaspora's sense of belonging to the Ghanaian community and reinforce claims of shared national identity	Organize cultural programmes that showcase the Ghanaian culture and promote interaction between the diasporas and their Ghanaian counterparts
	Engage traditional authorities and other civil society organizations in diaspora-related activities
	Engage the Ghanaian Diaspora in discussions on governance issues of the country
Enhance the capacity of relevant state institutions and non-State actors responsible for implementing diaspora-related programmes	Build capacity of staff working on migration-related issues at all relevant government ministries, agencies and departments and Diaspora associations
	Mobilize Ghanaian diaspora professional groups to initiate transnational epistemic networks and collaborations, especially among the second and third generations and young professional associations
ACTION AREA 2: RIGHTS OF THE GHANAIAN DIASPORA	
Policy Objective: Extending rights to Ghanaians in the diaspora	
Identify legal instruments and programmes that extend rights to the diaspora	Ensure the enjoyment of rights within the framework of the Ghanaian Constitution and legislation by the Ghanaian diaspora
	Promote investment opportunities in Ghana to attract the diaspora
Provide the opportunity to Ghanaians abroad to be dual citizens	Promote the retention of Ghanaian citizenship by the diaspora
ACTION AREA 3: EXTRACTING OBLIGATIONS FROM THE DIASPORA	
Policy Objective: Enhance mobilization of remittances and leverage investment benefits that accrue to members of the Ghanaian diaspora	
Design and implement strategies to reduce the cost of financial transfers to Ghana and enhance mobilization of remittances and philanthropy, transfer for sustainable development	Engage the Ghanaian diaspora to mobilize remittances from the Ghanaian diaspora
	Engage financial and money transfer agencies to reduce transaction costs of remittances to Ghana
Promote investment options in Ghana among the Ghanaian diaspora	Collaborate with diaspora business and professional groups on marketing investment opportunities in Ghana
	Develop business partnerships using Ghanaian diaspora members as an interface between the destination State, the market and investors
ACTION AREA 4: AFRICAN DIASPORA	
Policy Objective: Integrate African diaspora into the Ghanaian economic development process through effective networking and skills transfer	
Identify all Africans as a unique diaspora group with their preferred homeland Ghana	Organize the annual African Diaspora Festival in Ghana
	Repackage existing cultural programmes such as PANAFEST and Emancipation Day celebrations to target the African diaspora
Facilitate Ghanaian citizenship acquisition by all Africans who choose to return as part of the integration process	Facilitate Ghanaian citizenship acquisition by all Africans who decide to return as part of the integration process
	Adopt computer-based online application systems for citizenship and passport acquisition and investments by African diaspora
Develop a framework for effective networking and skills transfer between the African diaspora and Ghana	Create an African diaspora skills bank in Ghana to support Ghana's bilateral and transnational relationships in the diaspora in the interest of Ghana

ACTION AREA 5: SECOND AND THIRD GENERATION AND YOUTH DIASPORA	
Policy Objective: To provide opportunities for second and third generation as well as youth diasporas to choose to be part of the development process in Ghana as a choice	
Integrate second and third-generation Ghanaian diasporas into Ghanaian society by choice	Review existing legal frameworks and enact new laws to facilitate the voluntary integration of second and third-generation Ghanaian diasporas into the Ghanaian society
	Provide special tax incentives to second and third-generation Ghanaian diasporas with interest in investing in certain sectors in the country
	Organize special home-coming programmes for interested second and third-generation Ghanaian diasporas to showcase areas of possible collaborative investment in Ghana
	Implement a module within the National Service Scheme that allows second and third-generation diaspora to opt to undertake a year's service in Ghana as a way to get integrated into the Ghanaian society
	Develop tourism and cultural heritage activities to assist the second and third-generation diaspora in identifying and appreciating their cultural heritage
	Organize cultural, sports and educational programmes for second and third-generation diaspora and the youth of Ghana for socializing, networking and developing common interests
Engage and link the youth diaspora back to their roots in Ghana	Promote intercultural youth linkages targeting second and third-generation Ghanaians in the diaspora by repackaging and showcasing Ghanaian cultural festivals abroad
	Equip the Ghana missions abroad to enable them to speedy issue/renew travel and identity documentation for Ghanaian youth in the diaspora
	Establish a reintegration unit within the DAOOP to support Ghanaian youth diaspora towards their reintegration into Ghanaian society upon their return
ACTION AREA 6: DIASPORA, TOURISM AND CULTURAL HERITAGE	
Policy Objective: To connect the diaspora with their homeland through tourism and cultural heritage	
Establish the cultural identity of Ghana	Create a trade and investment database of the diaspora
	Showcase investment opportunities in various sectors
	Provide incentives for investment in preferred sectors
Project Ghana as the ideal place for discovering their cultural identity	Facilitate easy processing of visas at Ghana's ports of entry
	Showcase Ghana's cultural activities and programmes
	Promote stakeholder participation at regional and national levels
	Provide a set of incentives for the Ghanaian diaspora
Create avenues for the diaspora to commit their resources to the national development effort	Create awareness about investment opportunities in Ghana
	Showcase investment opportunities in various sectors Provide incentives for investment in preferred sectors
Promote diaspora investment, trade and tourism in Ghana	Communicate investment opportunities and incentives to the diaspora
	Organize joint business meetings and investment fora amongst diaspora businesses and their counterparts in Ghana
ACTION AREA 7: RETURN, READMISSION AND REINTEGRATION OF THE GHANAIAN DIASPORA	
Policy Objective: Effectively reintegrate and harness the skills of readmitted and returning Ghanaian diaspora	
Create an environment conducive to readmitting returning migrants	Develop a strategy for registering all returnees
	Create public awareness about the significance of readmission for national cohesion and development
	Establish a mechanism to make readmission more inclusive
Ensure all returnees are registered at ports of entry	Develop a strategy for registering all returnees

Shorten the process/time for processing professional return migrants into the labour force	Develop a database for skills and match these with needy sectors
Provide equal opportunities for qualified return migrants	Place qualified return migrants speedily to reduce frustration
	Provide training for return migrants whose skills need upgrading
Foster collaboration between relevant State institutions and the Ghanaian diaspora	Set up a mechanism for skills exchange among critical sectors and also between private and public sector
	Establish skills exchange among homeland businesses and their counterparts in diaspora destinations to manage seasonal skills shortages

TABLE 11: Objectives of Mexican New Migration Policy (excerpts related to diaspora engagement)

OBJECTIVES	ACTION AREA (EXCERPTS)
Promoting shared responsibility	<p>To renew the dialogue with the governments of the countries of Central America through the Ministry of Foreign Affairs.</p> <p>To renew the dialogue with the Government of the United States to guarantee the protection of migrants.</p> <p>To open communication channels and exchange experiences and good practices with other countries in Latin America, Europe and Asia-Pacific regarding labour mobility and protection for migrant workers.</p> <p>Although the Mexican diaspora is primarily concentrated in the United States, close communication with Canada, Spain and Germany will be developed.</p>
Protection of Mexicans abroad	<p>To create a specific component for migrants' protection and care; their connection with their communities of origin;</p> <p>Culture Secretariat will promote policies and programmes that allow the diaspora the continuity of ties with Mexico "not only in a material but also symbolic way, strengthening the roots and the feeling of belonging to the nation."</p> <p>To improve the living conditions of Mexicans abroad and their families on issues such as the promotion of fair working conditions, employment of the migrant community, legal advice and accompaniment, psychological care, information on human rights, and the processing of documents for child protection services.</p> <p>To strengthen dialogue with the United States to guarantee the scope of consular protection for those deprived of their liberty.</p>
Reintegrating Mexican nationals and integrating foreign migrants into Mexican society	<p>To provide information and capacity to sensitize local civil servants on the implications of the processes of integration and reintegration in the communities receiving people migrants.</p> <p>To provide adequate conditions for integrating migrants and members of their families using human rights and gender perspectives. Other approaches/principles include access to rights, recognition of the identity of foreign persons; access to services; incorporation into the educational field or the labour market, development of networks, respect for diversity, sustainable human development and human security.</p>

TABLE 12: Portugal Programa Regressar Strategic Entry Points

AREAS OF INTERVENTIONS	MAIN SUPPORT MEASURES	RESPONSIBLE AGENCIES
To disseminate job offers	Consult on current job offers in Portugal before returning, promote their Curriculum Vitae (CV), present their professional profile to potential employees and enrol as an applicant on the portal "iefponline."	Government agencies from foreign affairs, economy, labour and social security
Support for the Return of Emigrants to Portugal Measure	Financial support, through Institute for Employment and Vocational Training (IEFP), to emigrants or their relatives who start working as an employee in Mainland Portugal	Agencies working in education, solidarity and social security
Recognition of Academic and Professional Qualifications	Support in processes of equivalence/recognition of qualifications, studies and diplomas of elementary and secondary level obtained outside of Portugal swiftly and effectively as possible.	Government areas of science, technology and secondary education, education and work, solidarity and social security
Fiscal Support Measure	According to the provisions of the Personal Income Tax Code (CIRS), 50 per cent of the income received from dependant work, business and professional income is excluded from taxation under specific conditions.	Agencies in the finance area
Investment Support Measure	To support business investment and the creation of new business ventures in Portugal, as well as to assist Portuguese entrepreneurs and their descendants who return to Portugal, offering them the conditions to create their own business (a credit operation limit of 1 000 000 euros per enterprise and 500 000 euros per citizen returned to Portugal).	Government areas of foreign affairs and economy

TABLE 13: Appendix to the National Implementation Plan of the Global Compact for Migration of Portugal (excerpts)

OBJECTIVE 19: Create conditions for migrants and diasporas to fully contribute to sustainable development in all countries		
IMPLEMENTATION MEASURES	AREA	IMPLEMENTATION DEADLINE AND
To cooperate with the embassies and consulates of the countries of origin of migrant's resident in Portugal, within the scope of the respective migrant monitoring and return programmes	Reintegration of migrants	Continuous
To conduct campaigns among the Portuguese diaspora to attract emigrant students and students of Portuguese descent, promoting the «Return Programme».	Return programme	Continuous
To create and disseminate a holiday programme for the youth of Portuguese descent, allowing these young people to get to know the country and to have contact with its different educational institutions.	Enhance the relationship between diaspora and homeland	2020
To develop a Network of Traders in the Portuguese diaspora, promote the commercial establishments of Portuguese citizens overseas, strengthen the ties among the Portuguese citizens resident in Portugal or overseas, and establish closer relations with Portuguese communities in the diaspora.	Enhance the relationship between diaspora and homeland	2020
To foster the uptake of diaspora investment, emphasize the opportunities offered by the inland territories, such as the case of the programme to attract Investment for the Interior.	Investment	2020

To ensure improved articulation between the Emigrant Support Offices and Business Spaces, and between the Investor Support Offices and the Entrepreneurship Support Offices, to attract investment from the Portuguese Diaspora.	Investment	Continuous
To simplify the process of creation of companies by foreign citizens, namely within the scope of the Portugal in Mission Structure, through translation services and the facilitation of compliance with legal requirements for the creation of companies in Portugal by foreigners, in the support services of the National Register of Legal Persons.	Investment	2020

TABLE 14: Indian diaspora organizations that help women abroad

Nº	DIASPORA ORGANIZATION LOCATION	THE OVERALL NUMBER OF DIASPORA ORGANIZATION IN THIS COUNTRY	THE OVERALL NUMBER OF DIASPORA ORGANIZATION ASSISTING INDIAN WOMEN IN THIS COUNTRY
1	United States of America	23	16
2	Sri Lanka	10	8
3	New Zealand	8	8
4	Panama	6	6
5	United Kingdom of Great Britain and Northern Ireland	6	6
6	Australia	7	4
7	Brunei Darussalam	7	3
8	Ghana	9	2
9	Finland	3	2
10	Kazakhstan	2	2
11	Germany	4	2
12	Maldives	1	1
13	Oman	1	1
14	Italy	1	1
15	France	1	1
17	Jeddah	3	1
18	Iran (Islamic Republic of)	1	1
19	Brazil	1	1
20	Denmark	11	1
21	Bangladesh	1	1
22	Lebanon	2	1
23	Malaysia	1	1
24	Nepal	1	1
Total		110	71

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