

# THE FILIPINO **EXPRESS**

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## **Filipinos in the US Military Can Now Acquire US Citizenship**

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Filipinos who have served in the US military may now apply for special immigrant status and immediately thereafter for US citizenship under an interim rule recently promulgated by the Immigration Service.

To be eligible, a Filipino must have served honorably in active duty in the US Armed Forces after October 15, 1978 and the alien's original lawful enlistment was outside the US for a period or periods totalling a) twelve years, and who if separated from such service, was never separated except under honorable conditions; or b) six years in the case of an immigrant who is on active duty at the time of seeking special immigrant status and who has reenlisted to incur a total active duty service obligation of at least twelve years.

The petition must be filed with the Immigration Office having jurisdiction over the place of his current or intended place of residence in the US or with the overseas immigration office having jurisdiction over his residence abroad. The executive department under which he has served or is serving must recommend the granting of special immigrant status to him.

His spouse and children may be entitled to the same special immigrant status. This may occur whether or not the spouse or child is named in the petition and without the approval of a separate petition, but only if the executive department under which the immigrant serves or served recommends the granting of special immigrant status to him.

The relationship of spouse and child must have existed at the time that his application is approved.

The documents needed to support the petition are as follows:

- 1) Certified proof of reenlistment (after 6 years of active duty service), or certification of past active duty status of twelve years, issued by the authorizing official of the executive department in which the applicant serves or has served, which certifies that the applicant has the required honorable active duty service and commitment. The authorizing official need not be at a level above the "local command". The certification must be submitted with Form I-360, petition for Amerasian, Widow(er), or Special Immigrant; and
- 2) Birth certificate of the applicant establishing that he is a Philippine national. The law has its own unique numerical limitation scheme for this category of special immigrant and requires that existing immigration ceilings for a given year be reduced by one third of the number of aliens granted special immigrant status during the previous year. The statute limits the number of military special immigrants granted visas or adjustment to permanent residency to a total of 2,000 per year for Filipinos. These limits do not apply to spouses and children of these special immigrants.

In its prefatory statement, the INS emphasized that this rule is in recognition of the patriotism and valor of aliens who, by virtue of their military service, have demonstrated a commitment to support and defend the US. It should be noted that, with the exception of wartime service under certain conditions, previous US immigration law did not provide any special benefits for foreign nationals who had enlisted in the US Armed Forces. As a result, these individuals could not become US citizens, were denied entry into positions that require access to classified information and were denied entry into military officer programs.