

Filipino Reporter

FAIR, FEARLESS, FACTUAL

March 5-11, 1993

CROSSCURRENTS

INS 'squeeze' on Filipino vets



By REUBEN S. SEGURITAN

The recent news on the brewing controversy over World War II Filipino veterans and the American immigration service has impressed on many Filipino vets the fact that it isn't all that easy to apply for naturalization after all. To date, hundreds have been denied and many more have had their cases put on hold.

The thorny issue came to light after a spate of protests from a number of immigration lawyers and their clients over the unfair rulings by the Immigration and Naturalization Service on their clients' citizenship applications. The INS is being charged with narrowly interpreting the statutory

A guide on how World War II veterans may apply for US citizenship is on page 11.

program that allows certain Filipino veterans of World War II to become naturalized US citizens.

Filipino veterans may apply for naturalization under Section 405 of the Immigration Act of 1990 if they can prove that they served in an active duty status under the US Armed Forces in the Far East, the Philippine Army, the Philippine Scouts or a recognized guerilla unit between September 1, 1939 and December 31, 1946.

The above mentioned controversy is in the way the INS interprets one phrase of the Immigration Act: "the executive department under which such person served shall determine whether persons have served honorably in an active duty status."

The INS interprets "executive department" exclusively as the US Department of the Army, and thus excludes other evidence provided by other legitimate agencies, such as the Philippine executive department under

which the Philippine Army served when it was still attached to the US Army. As a result, the INS has repeatedly questioned in court duly authenticated Philippine army affidavits on the ground that the documents cannot be verified by the Department of Army in St. Louis, apparently the only military personnel service record center where service records of Filipino war veterans can be verified.

In several cases, petitions have been denied despite presentation of original US Army documents, discharge certificates, verification of US military service from the US Veterans Administration, or verification of allied service from the Philippine Veterans Administration. These veterans have also presented as evidence their receipt of benefits and pensions because of their service.

But because their record of service cannot be found or verified at the US Army's Records Center in St. Louis, their cases have been denied. The latest case, as reported in the papers, centered on the INS' denial of evidence of military service from the US Army Service Records Center in Missouri, as presented by lawyers of a group of Filipino veterans.

Other similar class action lawsuits have been lodged but have been held in abeyance pending a decision by the United States 9th Circuit of Appeals on the Almero case. The case of Almero is unique because the INS sought to revoke his US citizenship. Pepito Almero was already a US passport holder, had travelled to the Philippines as an American, and had already started procedures to bring his family to the US. INS decisions on its pending naturalization cases involving Filipino veterans hinge on the outcome of this case.

The INS' rigid interpretation of the ruling is expected to jeopardize many more applications in the next

two years. As of this writing, over 24,000 Filipino veterans have applied from the overseas to the INS' Northern Service Center for naturalization under Section 405, according to the INS. This figure does not include Filipino veterans already in the US who have filed naturalization petitions directly with local INS offices. It is estimated that up to 50,000 more veterans will apply in the next two years, now that a recent ruling allows them to be interviewed and naturalized in the Philippines.

Meanwhile, Filipino veterans persist in their contention that it is inequitable to arbitrarily deny naturalization benefits to Filipinos because of circumstances that placed the veterans' position at a disadvantage. For one thing the US Army's records were admittedly incomplete. In one case, Col. Edwin Ramsey, who led a battalion of Filipino soldiers during World War II, testified that only half of his men were included in the list of recognized troops, the other half derecognized and deleted from US military rosters to limit benefits and save money for the US.

It is by those reasons alone that the INS should consider the ameliorative nature of Section 405, and go out of its way to construe the ruling more liberally. By any account, it is only reasonable that the INS should view the circumstances more broadly—given that those who have long stood by and fought to exact a right and a privilege promised them, are getting along in years.

It is disgraceful or any one—most of all America—to fail its brothers-in-war in their last hour by formally, and finally, renegeing on a clear promise. The INS cannot let America discard Filipino World War II veterans into the heap as another one of its forgotten allies.