

THE FILIPINO **EXPRESS**

October 25-31, 1993

Dismal Outcome of INS Rules for Veterans

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After a long hopeful wait for the outcome of the INS final rules on World War II veterans, the rules, which were promulgated last month, fell far short of expectations casting dismal prospects for smooth naturalization.

Months before, petitions were brought up before the INS for liberalized regulations pertaining specifically to eligibility and benefits, including those extended to veterans' families. When the final guidelines came out, the INS said that it was not within its authority to act favorably on the petitions.

This legal development is disappointing news to our veterans and their supporters. Unless remedial measures are passed by the US Congress, these rules will remain final:

1. Naturalization benefits shall not be extended to the widows and/or survivors of persons who, if still alive, might have been eligible for these benefits.
2. Eligibility for naturalization shall not be extended to persons who served in the US Armed Forces during World War I, the Korean conflict or the Vietnam War.
3. Families of newly naturalized citizens shall not be exempted from immigrant visa quotas. This means that their children, above 21 years of age, or married, will have to wait possibly for ten years before they can become immigrants.
4. Veterans benefits shall not be made available to persons who are naturalized under the new law. Neither will those who had served in the Philippine Army and other recognized guerilla units, be provided veteran benefits as those who served in the US Army.
5. Persons born outside the Philippines of Filipino parents but are considered citizens of the Philippine government shall be excluded from the naturalization law.

Representations were made by veterans supporters to relax the requirements with regard to the submission of proof of military service. It was suggested that Form N-426 (Certification of Military or naval Service) be amended to reflect qualifying service in the Philippine Army, Philippine Scouts or recognized guerilla units. It was suggested also that the records of the Philippine Armed Forces and the Philippine Veterans Board as well as affidavits of disinterested persons attesting to an applicant's active duty service be honored equally with those of the US Army with regard to military service. The Immigration Service eventually turned them down.

This particular issue of military records was crucial to a majority of the World War II veterans who found out that their records were missing at the National Personnel Records Center in St. Louis, Missouri, the only center that keeps military service records of World War II veterans. Without their records in the center, veterans could not sufficiently prove their military service. The Army Reserve Personnel Center in St. Louis, located within the compound of the National Personnel Records Center, is the official repository for records of World War II veterans.

Justifying its unfavorable actions, the INS contended that the Immigration Act was clear in authorizing only the executive department of the US to issue the required certificate of service. It asserted that no component of the Philippine government or any other foreign government is recognized as an executive department of the US.

While the INS acknowledged that some of its master personnel military and medical records may have been destroyed by a fire that damaged the St. Louis facility some time ago, it claimed that the agency has access to other official files including unit records, payroll records and other military records from which damaged or missing files could be reconstructed.

Finally, the INS maintained that provisions exist providing for the correction of service records for those who are unable to verify their military service. The procedure, however, is long and cumbersome for the aging veterans who may not have the resources to prolong their case.