

Final Naturalization Rules for Veterans Do Not Address Special Benefits

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The INS shall finally implement the final rules providing for the naturalization of Filipinos who served in the US armed forces during World War II. The rules implements provisions provided for in the Immigration Act of 1990 and approved by Congress last year.

The regulations apply to those who filed their application on or after November 29, 1990 when the Immigration Act of 1990 was passed into law.

Filipino natives who may be eligible to apply are those who served in 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.

Under Section 405 of the 1990 Act, normal residence requirement for naturalization applicants has been waived, including the requirement that applicants must intend to reside in the US. However, certain onerous provisions remain and in 1991, the INS came out with an interim rule giving room for further comments on its provisions.

A total of 105 comments were received by the INS, most of which expectedly objected to the taxing provision requiring applicants, all of whom are obviously elderly, to travel to the US to be interviewed and later, to take their oath of allegiance to the US.

The final regulation benefits applicants in that Congress last year, amended Section 405 allowing INS to process applications for naturalization in the Philippines as well as authorized them to administer in the country the oath of allegiance to naturalized Filipino veterans. This amendment, appearing under Section 113, was passed into law by erstwhile president Bush and took effect February 6, 1993. It shall remain in effect until February 2, 1996.

Commenters also noted that some parts of the interim rule contradict some provisions in the 1940 Immigration Act, specifically the provision that which exempted applicants from the literacy and educational requirements and being charged any fees. The INS noted that since such provisions have actually expired since the Supreme Court in 1988 ruled against the US Courts in naturalizing aliens under the expired provisions, Section 405 applications shall be administered under the current naturalization laws.

While commenters objected to a provision requiring applicants who have resided outside of the US for the last five years to obtain police clearances in the area where they have resided, the INS held their ground and contended the provision necessary and reasonable.

Filipino veterans who have waited years to claim their rights as World War II veterans, may take the new implementing rules as good news. Nagging concerns have been addressed since the Immigration Act of 1990 was passed into law, and for the most part, they may now appreciate certain amendments under the final regulation.

No longer shall it be necessary for them to spend undue amount in airfare alone to travel to the US for their interview or their oaths, nor do they have to establish residency requirements or intent to reside for a prolonged period in the US.

The INS, however declined to comment on other persisting concerns such as special benefits extended to families of naturalized Filipinos, as well as other veterans who have served in the Korean War and World War I. No final rule governing this area has yet been released.