

THE FILIPINO **EXPRESS**

April 18-24, 1994

Pitfalls in Dual Citizenship

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INS officials have pondered over some tricky business concerning dual citizenship as some points of controversy in the issue remain unresolved. As migration to the US increased over the years, the INS attempts to consider some arguments for and against it, and in the end, can only advise anyone considering such a move to consider the implications of the potential pitfalls of taking or reclaiming a second nationality.

Complications in regulations of dual citizenship largely arise from the disparate rules on the issue between the US and other countries. Some countries follow the principle of "jus soli" (the right of soil) determining the person's nationality according to where he is born; while others follow the legal principle of "jus sanguinis" (right of blood) determining the person's nationality according to his parents' citizenship. The US confers automatic citizenship to those born in the US; and to a certain degree, as when a child is born abroad to US citizen parents, the child is as well recognized as a US citizen.

Because of the different views held by other countries, some naturalized US citizens are enabled to either hold dual citizenship as in the case of Colombia and Mexico, or made to lose their original citizenship, as in the case of Cuba. As a matter of policy, the US tolerates dual citizenship, but does not encourage or applaud it.

One of the main objections commonly raised regarding the issue is the conflict of competing interests between two nations, where allegiance is concerned. When push comes to shove, such as in case of war, the question arises as to where the person's allegiance should lie. Such a conflict has come to fore in the War of 1812 among US-naturalized British subjects and World War II among US-naturalized Japanese.

A practical argument is also the issue of tax liability. Dual citizenship allows certain naturalized citizens to choose countries with lower taxes than the US, thus robbing the US of additional funds from its citizens who enjoy citizenship benefits accorded them by the US government.

Based on Supreme Court precedents as well as statements from the State Department, the INS however recognizes that, despite the common pitfalls of dual citizenship, US citizens-- particularly those who choose to naturalize in other countries-- still intend to keep their US citizenship. While it does not endorse dual citizenship, the INS does not openly and outrightly reject their US citizenship upon their naturalization elsewhere; instead it endorses a State Department policy which recommends that those who intend to expatriate should do so voluntarily at a US consulate abroad. The INS maintains that the oath-taking of allegiance to take or reclaim another citizenship does not automatically result in the loss of their US citizenship.

Some officials as well as scholars well-versed in the issue contend that the arguments against dual citizenship are exaggerated, that the conflicts that might arise from dual citizenship can not be as great as alleged for in most cases, it does no great harm. Other than the fact that it grants citizens increased flexibility in travelling, especially to nations hostile to the US, dual citizenship may benefit naturalized citizens the option of having a lower tax liability.