

Dual Citizenship: Getting the Best of Both Worlds

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In the past, natural-born Filipino citizens who had built new lives overseas eventually had to choose whether they wanted to retain their Philippine citizenship or naturalize in their new home country. This was particularly true of Filipinos who had immigrated to the United States.

If a Filipino chose to obtain American citizenship through naturalization s/he stood to lose his/her Filipino citizenship because one of the requirements for naturalizing as an American was express renunciation of allegiance to any country, including one's country of origin. Under Philippine laws, such express renunciation resulted in loss of Philippine citizenship. In other words, they could not have the best of both worlds. Filipinos who naturalized as Americans became citizens of the United States but they would no longer be citizens of the Philippines. They were not, therefore, dual citizens.

This is no longer the case. Former Filipino citizens who have naturalized as citizens of another country (such as the US) may become dual citizens when they comply with the requirements of Republic Act No. 9225, the Philippine Citizenship Retention and Re-acquisition Act.

Applying for Reacquisition of Filipino Citizenship

Applying for the reacquisition of Philippine citizenship is basically a two-step process, first, the filing of the petition for issuance of an Identification Certificate (IC), and second, the oath of allegiance.

The applicant must submit a copy of his/her Birth Certificate issued or duly-authenticated by the National Statistics Office (NSO) in Manila, or other secondary documentary proof of being a natural-born Filipino. The applicant must also complete the form entitled "Petition for Dual Citizenship and Issuance of Identification Certificate," attach three 2" x 2" photos and pay a processing fee.

A former natural-born Filipino may apply for reacquisition of Philippine citizenship in the Philippines or abroad. S/he may either be registered with the Philippine Bureau of Immigration (BI-registered) or not. A BI-registered applicant may file a petition under oath to the Commissioner of Immigration seeking the cancellation of the Alien Certificate of Registration (ACR) and the issuance of an IC. If not BI-registered within 60 days from arrival in the Philippines, the applicant may file a petition under oath to the Commissioner of Immigration for issuance of an IC.

If the former natural-born Filipino is overseas and is BI-registered, s/he may file a petition under oath to the nearest Philippine Embassy or consulate. The Embassy or Consulate will evaluate the petition and endorse it to the Commissioner of Immigration for cancellation of the ACR and issuance of an IC. If not BI-registered, the applicant will also file a petition under oath to the nearest Embassy or consulate for the issuance of an IC, which will subsequently be endorsed to the Commissioner of Immigration.

If the petition is granted, the applicant may then take his/her oath of allegiance, which is the final act that confers Philippine citizenship. The applicant is thereafter issued a notarized oath of allegiance and the Order of Approval (of the petition). At this point, therefore, the applicant acquires dual citizenship, being a naturalized American and as one who has reacquired her Philippine citizenship.

American Citizenship Not Lost

The reacquisition of Philippine citizenship does not affect the US citizenship of Filipino-Americans. Once acquired, US citizenship cannot easily be lost because it is a constitutionally-protected right. The US Congress cannot legislate that certain voluntary acts would automatically strip one of US citizenship.

In the past, certain voluntary acts such as becoming a naturalized citizen of another country, declaring allegiance to another country, voting in foreign elections or working for a foreign government constituted grounds for the loss of US citizenship or were considered "expatriating acts."

A US Supreme Court ruling, however, ruled that these acts are not enough to cause the loss of US citizenship. There must be separate proof that the US citizen is willing to relinquish his or her citizenship, such as by declaring before a US consular officer his or her intent to do so.

At present, the US Department of State has adopted the policy of presuming that a US citizen who performs certain expatriating acts does NOT intend to lose his or her citizenship. This added protection applies to naturalized Americans who apply for reacquisition of Philippine citizenship and even after such applicants have taken their oath of allegiance. At worst, reacquiring Philippine citizenship would be considered as potentially expatriating. It would result in loss of US citizenship only when the applicant expresses his or her intent to relinquish US citizenship before a US consular officer.

Rights and Obligations as a Filipino

A person who has reacquired his or her Filipino citizenship enjoys full civil and political rights as such.

The right to vote and be voted to public office, however, is subject to certain limitations under the Overseas Absentee Voting Act of 2003. The right to vote is subject to residency requirements and persons who are candidates for or are occupying any public office in a foreign country may not vote, be voted for or appointed to public office in the Philippines. Those who are elected or appointed to public office are required to swear an oath of allegiance to the Republic of the Philippines and to renounce their oath of allegiance to another country.

The right to acquire land and other properties and engage in certain business is open to those who have reacquired the Filipino citizenship as well. There are no limitations as to the size of the real property to be purchased under the name of the person who has reacquired his or her Filipino citizenship. Those who wish to practice their profession in the Philippines may do so upon compliance with the proper licensing or certification requirements.

S/he may also obtain a Philippine passport and need not apply for an entry visa to the Philippines. Like any other Filipino citizen, s/he may reside in the Philippines for as long as s/he wants. The foreign spouse or child of such person may also reside in the Philippines indefinitely by applying for naturalization as a Filipino or by applying for a permanent resident visa.

A person who has reacquired his or her Philippine citizenship and is residing and working abroad does not have to pay taxes earned abroad. Filipino citizens who derive income overseas may avail of the benefits of bilateral tax treaties that are intended to avoid double taxation. The US and the Philippines have such a tax treaty. S/he pays income taxes to the Philippines only on income earned in the Philippines.

Wherever they are, Filipinos keep strong ties with the Philippines. The reacquisition of Filipino citizenship is more than a formality. It is, on a personal level, for most overseas Filipinos, a homecoming.