

FREQUENTLY ASKED QUESTIONS

on

Republic Act No. 9225 (R.A. 9225)

RETENTION AND RE-ACQUISITION OF PHILIPPINE CITIZENSHIP ACT of 2003

(signed on 29 August 2003 by Pres. Gloria Macapagal Arroyo)

DUAL CITIZENSHIP

- Republic Act 9225 does not require the relinquishment of the other citizenship, allowing the individual to have two concurrent citizenships.
- Under the Swedish law ([www.://www.migrationsverket.se/English/Private-individuals/Becoming-a-Swedish-citizen/What-does-Swedish-citizenship-mean.html](http://www.migrationsverket.se/English/Private-individuals/Becoming-a-Swedish-citizen/What-does-Swedish-citizenship-mean.html) ?), Swedish citizens are allowed to hold dual citizenship.

WHO ARE QUALIFIED?

- The Philippines' Republic Act 9225 covers former natural-born Filipino citizens who have lost their citizenship through naturalization as citizens of a foreign country.
- **Natural-born citizens of the Philippines who, after the effectivity of R.A. 9225 on 17 September 2003, become citizens of a foreign country shall retain their Philippine citizenship. However, one is still required to express the intention of retaining his/her Philippine citizenship by submitting an application for Retention of Philippine citizenship and take the Oath of Allegiance to the Republic of the Philippines, from the foreign posts where the application was submitted, or to the Bureau of Immigration in Manila, Philippines.**
- Natural-born citizens are those whose mothers or fathers are citizens of the Philippines. They are citizens of the Philippines from birth, without having to perform any act to acquire or perfect their Philippine citizenship. Those born before January 17, 1973, of Filipino mothers, who elect Philippine citizenship upon reaching the age of majority, are deemed natural born citizens.

HOW DOES THE RE-ACQUISITION AND RETENTION WORK?

- Natural-born citizens of the Philippines who have lost their Philippine citizenship by reason of their naturalization as citizens of a foreign country are deemed to have re-acquired their Philippine citizenship **upon taking the prescribed Oath of Allegiance to the Republic.**

PHILIPPINE CITIZENSHIP (under RA 9225) NEEDS TO RESIDE IN THE PHILIPPINES?

- Residency in the Philippines is not a requirement for those who re-acquire or retain Filipino citizenship.

WHERE CAN I APPLY FOR FILIPINO CITIZENSHIP RETENTION/RE-ACQUISITION?

- Applications/petitions for citizenship re-acquisition and retention pursuant to R.A. 9225 shall be filed with the Bureau of Immigration (BI) if applicant is in the Philippines, or in the Philippine Foreign Service Posts (FSPs) if the applicant is abroad. In Sweden, applications are to be filed at the Embassy of the Philippines in Oslo, Norway. Please refer to the following website of the Embassy (www.philembassy.no), for requirements and procedures.

WHAT ARE THE DOCUMENTARY REQUIREMENTS?

- Duly accomplished application form;
- Philippine birth certificate authenticated by the National Statistics Office (NSO) and the Department of Foreign Affairs, for those born in the Philippines, or original copy of the Report of Birth issued by the FSP and the foreign birth certificate, if born in Sweden;
- Three (3) passport sized photos w/ royal blue background;
- Certificate of Citizenship (Medborgarskapbevis) issued by the Migrationsverket, duly notarized by a Swedish notary public, and legalized by the Swedish Ministry of Foreign Affairs Legalization Section;
- Copy data pages of the applicant's Swedish passport;
- Presentation of Philippine passport and submission of its photocopy;
- Copy of authenticated Marriage Certificate, for married female applicants;
- Application processing fee (*please refer to the Philippine Embassy in Oslo, for appropriate fees*);
- Please submit originals & two (2) photocopies of each document.

WHAT IS THE PROCEDURE INVOLVED?

- Applicant shall submit an application/petition, with supporting documents and requirements to the Philippine Embassy in Oslo, Norway. The application form can be downloaded from the Embassy website, as follows: www.philembassy.no.
- After the Embassy's Consular Section review of the submitted documents, the applicant shall be requested to come personally to the Embassy to take the Oath of Allegiance before the Embassy's foreign service official.
- If the documentary requirements are satisfactory, the applicant pays the fee; if the requirements are not satisfactory, the applicant is notified of the deficiencies that require completion;
- The Consular Section processes the application and advises the applicant when the next oath-taking ceremony will be held;
- The applicant appears in person during the oath-taking ceremony;

- An Order of Approval granting the petition, the corresponding Identification Certificate, and a Certificate of the Applicant's Oath of Allegiance will be issued by the Consular section of the Embassy. All copies of official documents submitted by the applicant to the Embassy will be transmitted to the Philippines' Bureau of Immigration (BI) in Manila.
- If the applicant is a BI-registered alien, the Bureau of Immigration shall cancel the applicant's Alien Certificate of Registration (ACR).

CAN I NOW ACQUIRE LAND AND OTHER PROPERTIES OR ENGAGE IN BUSINESS?

- As provided under the 1987 Constitution, a Filipino citizen is entitled to purchase land and other properties and engage in business in the country. There is no limit in terms of area or size of land or real property he/she could acquire/purchase under his/her name. This right would now apply to former natural-born Filipinos who have re-acquired Philippine citizenship under R.A. 9225.

WILL I NOW BE REQUIRED TO PAY INCOME TAX/OTHER TAXES? AM I EXEMPT FROM PAYING THE TRAVEL TAX?

- Republic Act 8424 provides that only incomes derived or earned from the Philippines are subject to taxation by the Philippine government. The Philippine government has concluded tax agreements with several countries (e.g., United States, Canada, Japan, Italy, New Zealand, Australia, United Kingdom, Germany and Spain, among others) in order to avoid double taxation for Filipinos who derive income abroad.
- Those who re-acquire Filipino citizenship and opt to reside and work in the Philippines will pay the income tax due at the end of each fiscal year. They are also subject to other obligations and liabilities, such as community and residence tax.

DOES A FILIPINO INDIVIDUAL WITH DUAL PHILIPPINE DUAL CITIZENSHIP WHO ARE TRAVELING OUT OF THE PHILIPPINES REQUIRED TO PAY TRAVEL TAX?

- Filipinos who have re-acquired citizenship, as long as they reside permanently overseas, also enjoy the travel tax exemption extended to Filipino citizens permanently residing in other countries, OFWs and their dependents.
- Filipinos with dual citizenship who are departing from the Philippines are exempt from paying the travel tax if their arrival date is stamped on the foreign passport.
However, when Filipino individuals, with dual citizenship, will purchase their respective ticket in the Philippines, they will be required to present both their foreign and Philippine passports to the airline or travel agency. The latter will accomplish the Philippine Tourism Authority (PTA) Form 356 and photocopy the ID pages of the foreign and Philippine passports and page showing their arrival date in the Philippines. In case the arrival date is stamped on the Philippine passport, a Travel Tax Exemption Certificate (TTEC) is issued by the PTA that will be submitted to the airline for the issuance of a ticket. They will be required to present both their foreign and Philippine passports when they secure the TTEC at any of the Travel Tax Units of the PTA. A list is available at the following website: www.philtourism.gov.ph. A Php200.00 processing fee applies for every certificate issued.

CAN MY CHILDREN ALSO ACQUIRE PHILIPPINE CITIZENSHIP UNDER R.A. 9225?

- R.A. 9225 provides for derivative citizenship, such that the unmarried child, whether legitimate, illegitimate or adopted, below 18 years of age, of those who re-acquire Philippine citizenship shall be deemed citizens of the Philippines, and are entitled to the rights and privileges attendant thereto.
- A married child, although a minor, cannot be included in the petition of his/her parent.
- The minor child does not need to submit a separate petition for this purpose. The parent (principal applicant) shall list the names and details of all the minor, unmarried children to be covered in the application and submit the child's birth certificate, passport, 2 passport sized photos and Certificate of Citizenship, if there is any.

CAN MY FOREIGN SPOUSE ALSO ACQUIRE PHILIPPINE CITIZENSHIP UNDER RA 9225?

- No. the law does not apply to the foreign spouse. The foreign spouse has the following options if he/she wishes to reside permanently in the Philippines: (a) apply for naturalization, or (b) apply for a permanent resident visa.

WHAT IF I HAVE CHANGED MY NAME?

- The Bureau of Immigration would allow persons who had changed their names abroad to apply for and be issued Identification Certificates under an alias ("Real Name aka Assumed Name").
- In the case of married women, their application/petition and the Oath of Allegiance shall be done under the name appearing in their original birth certificate. They may opt to have their documents indicate the name with "Married to (name of spouse)" phrase if she so chooses.

DO I GET A NEW PHILIPPINE PASSPORT AFTER TAKING THE OATH?

- As a Filipino citizen, you are now entitled to having a Philippine passport.
- Applicants availing themselves of re-acquisition of Filipino citizenship under R. A. 9225 are asked to surrender their existing Philippine passports (if still valid) and to apply for new ones dated no earlier than the date of their taking of the Oath of Allegiance under R. A. 9225.
- Securing a new Philippine passport, however, is a separate transaction. Application forms are available at the Philippine Embassy or any Philippine Foreign Service Posts. Applicants should check the particular website of a Philippine Embassy or Foreign Service Post for appropriate passport fee.
- It should be noted that the Identification Certificates that will be issued by the Embassy will be considered sufficient proof of Filipino citizenship for those persons entering or leaving the Philippines holding foreign passports.

WHAT HAPPENS IF MY APPLICATION IS DENIED?

- The Implementing Rules and Regulations (IRR) does not specify any appeals mechanism which applicants can avail themselves of in case their petitions are denied at Post. However, this does not preclude applicants from directing their appeal to the Bureau of Immigration in Manila, Philippines.

AS A DUAL CITIZEN, WHAT PASSPORT SHOULD I USE OR PRESENT WHEN ENTERING AND DEPARTING THE PHILIPPINES?

- As a general rule, persons who wish to declare their dual citizenship are advised to present their foreign passport as well as their valid Philippine passport and/or Identification Certificate when entering and departing the Philippines.

AS A FILIPINO CITIZEN, CAN ONE'S SPOUSE WHO IS A FOREIGN NATIONAL LIVE IN THE PHILIPPINES?

- An immigrant visa may be issued to a Filipino citizen's foreign spouse that entitles him/her to permanently reside in the Philippines. Said visa may be obtained by applying at Philippine Embassies or Consulates. The validity of the visa, however, is contingent upon the Filipino citizenship of his/her spouse.

IF A FILIPINO CITIZEN CHOOSES TO TRAVEL TO THE PHILIPPINES WITH HIS/HER FOREIGN SPOUSE AND CHILDREN, DO THE SPOUSE AND CHILDREN NEED TO SECURE ADDITIONAL TRAVEL DOCUMENTS FROM THE PHILIPPINE EMBASSY OR CONSULATE GENERAL BEFOREHAND?

- Under the “Balikbayan” legislated program or scheme, a Filipino citizen's foreign spouse and children traveling to the Philippines with him/her on the same flight, do not need to secure other travel documents because they are entitled to a visa-free entry to the Philippines for a period of one (1) year, among other privileges.

SUMMARY OF RIGHTS AND PRIVILEGES WHEN AN INDIVIDUAL HAS APPLIED FOR A RETENTION/REACQUISITION OF FILIPINO CITIZENSHIP UNDER RA 9225.

A Filipino individual who has applied for a Retention/Reacquisition of Filipino citizenship under RA 9225 will again enjoy full civil, economic and political rights and privileges under existing laws of the Philippines, as follows:

- ✓ Ownership of real property in the Philippines;
- ✓ Engaging in business, trade or commercial activities, as a Filipino;
Permission to practice one's profession in accordance with existing Philippine Laws. A person who has re-acquired Filipino citizenship may be able to practice his/her profession in the Philippines, provided that he/she applies with the Professional Regulation Commission, the Supreme Court for lawyers, and other applicable Philippine agencies or bodies for a license or permit to engage in such professional practice. Those appointed to a public office shall make a sworn renunciation of the oath of allegiance to the country where they took their oath.
- ✓ Acquisition of a Philippine passport;
- ✓ Exercise of right to vote or suffrage during Philippine elections, and that the individual must comply with the residency requirement under existing Philippine election laws. The person or individual may however, vote overseas in Philippine national elections (for President, Vice-President, Senators and sectoral representatives) in accordance with the provisions of the Overseas Absentee Voting Act of 2003. The Supreme Court also ruled in 2006 that Filipinos with dual citizenship need not establish residence in the Philippines to be able to register as an absentee voter; and,
- ✓ Other rights and privileges enjoyed by Filipino citizens.

Sources:

- Information published by the Philippine Embassy in Zealand (Facebook Account)
<http://www.philembassyberne.ch/files/CFO.FAQ2.pdf>
- “A Primer on the Citizenship Retention and Re-Acquisition Act of 2003,” (2006), published by the Commission on Filipinos Overseas (CFO)
