

# The “Liberalization” of Refugee Naturalization: Some Insights in *Republic v. Karbasi* on the Gains and Deficits on the Law on Local Integration

Francis Tom F. Temprosa

61 *ATENEO L.J.* 242 (2016)

**SUBJECT(S):** PUBLIC INTERNATIONAL LAW, REFUGEE LAW, NATURALIZATION, IMMIGRATION LAW, LOCAL INTEGRATION

**KEYWORD(S):** REFUGEE LAW, JURISPRUDENCE, CITIZENSHIP, NATURALIZATION

In 2015, the case of *Republic v. Karbasi* became the first in Philippine jurisprudence to directly quote and interpret the 1951 Convention relating to the Status of Refugees (Refugee Convention). The case concerned a challenge to the exemption of a refugee from the otherwise strict rules of naturalization under Philippine law. In finding that the refugee should be naturalized, the Court concretized the application of refugee law in the Philippine setting. In particular, the Court affirmed that the Philippines, as a party to the 1951 Refugee Convention, must grant to refugees the privilege to become Filipino citizens, as one of the modes by which local integration can be effected. In the case, the Court granted to Karbasi, an Iranian who had escaped to the Philippines following turmoil in his homeland, and who had lived, worked, and raised a family in the country, Philippine citizenship.

In this Comment, the Author reflects on this pronouncement of the Court, lauding it as a step forward as regards refugee protection, but at the same time, taking issue at the application of the Refugee Convention. For instance, the Convention does not obligate states to grant nationality to refugees. Yet the Court held that this obligation is traceable from the obligation, as much as possible, to “facilitate” naturalization and other developments in human rights law. The Author delves into the fact that *Karbasi* reflects gaps in current Philippine law — that there is, for one, no domestic law on refugee protection (only admission to Philippine territory), and additionally, the fact that for all its progress, *Karbasi* still relied heavily on traditional tests of citizenship to grant Karbasi nationality. While there was an acknowledgment of the Refugee Convention, there was no necessity to use it as the primary legal basis to justify the grant of citizenship to Karbasi.

The Court cannot be wholly faulted for this as there is no explicit state policy in this regard, and it merely espoused its view of international law in resolving the issues in the case.

Ultimately, the Author invites the reader to contemplate the necessity of establishing and validating the right of refugees to protection consistent with their needs. At the same time, the Author proposes the desirability of limits in the framework so that the scope and bounds of local refugee law are determined and the rights of refugees are made concrete. The discussion is relevant particularly because of mass migrations occurring around the world today, brought about *inter alia* by wars, discrimination, and crimes against humanity.