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SENATE BILL NO. 3404

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Prepared and submitted jointly by the Committees on Justice and Human Rights; Civil Service and Government Reorganization and Finance with Senators Enrile, Pangilinan, Trillanes IV, Lacson, Angara and Escudero as authors thereof

## **"PHILIPPINE IMMIGRATION ACT OF 2009"**

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

### **TITLE I**

#### **GENERAL PROVISIONS**

**Section 1. Title of the Act.** — This Act shall be known as the "Philippine Immigration Act of 2009".

**Section 2. Declaration of Policy.** — It is hereby declared that the Philippine immigration structures, policies, rules and regulations established under this Act, shall be designed, operated, and administered in such a manner as to promote the domestic and international interests of the Philippines, recognizing the need to:

(a) Administer the entry and admission of visitors into the Philippines for the purpose of fostering investments, trade and commerce, cultural and scientific activities, tourism and international understanding;

(b) Enrich and strengthen the cultural and social fabric of the Philippines;

(c) Ensure that any person who seeks admission into the Philippines on either permanent or temporary basis is subject to standards of admission that are not inconsistent with the basic

1 principles of justice and fair play, the generally accepted principles of international law and state  
2 obligations under treaties and international agreements that the Philippines is a party to;

3 (d) Take an active participation in the advancement of national security and  
4 national interest;

5 (e) Foster the development of a strong and viable economy and the prosperity of the  
6 country;

7 (f) Institutionalize and strengthen the mechanisms for the protection of the family,  
8 health, morals, safety, and good order of the Philippine society;

9 (g) Promote international order and justice by denying the use of Philippine territory to  
10 persons who are engaged or likely to engage in terrorism, human smuggling and trafficking,  
11 criminal, and other nefarious activities;

12 (h) Streamline and strengthen the existing governmental structures charged with the  
13 administration and enforcement of immigration, asylum and related laws, rules and regulations in  
14 order to make them adaptive to the growing immigration demands of the country; and

15 (i) Professionalize the immigration service by instituting a rigid system of screening and  
16 selection of immigration officials and employees and promoting their development.

17 **Section 3. Definition of Terms.** — As used in this Act, the following terms are defined  
18 as follows:

19 (a) "Admission" — shall mean the process in which a foreigner arriving at a port of entry  
20 in the Philippines is allowed into the country by the immigration authorities;

21 (b) "Asylum Seeker" — a foreigner who seeks recognition and protection as a refugee;

22 (c) "Authority" — shall refer to the Philippine Immigration Authority;

23 (d) "Board" — shall refer to the Board of Directors General provided for in this Act;

24 (e) "Border Control Officer" — shall refer to any person appointed under Section 26 of  
25 this Act or any employee of the Authority designated by the Director General to perform the  
26 powers, duties and functions of a Border Control Officer as specified under this Act;

27 (f) "Captain" — shall mean the master of a vessel or pilot of an aircraft;

1 (g) "Child" — shall refer to a person below eighteen (18) years of age;

2 (h) "Citizen" — shall refer to any person who is a citizen of the Philippines as provided  
3 for under Section 1, Article IV of the 1987 Philippine Constitution;

4 (i) "Director General" — shall refer to the Director General of Immigration;

5 (j) "Consular officer" — shall refer to any official of the government of the Philippines  
6 designated/appointed by the President for the purpose of issuing visas to foreigners as required  
7 [of foreigners] by this Act;

8 (k) "Entry" — shall refer to the arrival of a foreigner into any designated port of entry in  
9 the Philippines from a place outside thereof, except when a foreigner having a lawful permanent  
10 residence in the Philippines shall not be regarded as making an entry for the purpose of this Act,  
11 if the foreigner proves that his departure to a place outside the Philippines was for a temporary or  
12 limited period, or his continued absence from the Philippines was occasioned by removal  
13 proceedings, extradition, or other legal process;

14 (l) "Exclusion" — shall refer to the act of Immigration Officers denying admission of a  
15 foreigner into the country on grounds provided for in this Act;

16 (m) "Foreigner" or "Foreign National" — shall refer to any person not a citizen of the  
17 Philippines;

18 (n) "Husband" and/or "Wife" — shall refer to those regarded as such by the laws of the  
19 country of which they are nationals but shall not include husband or wife by reason of proxy or  
20 "picture marriage";

21 (o) "Immigrant" — shall refer to any foreign national departing from any place outside  
22 the Philippines destined for the Philippines, other than a non-immigrant;

23 (p) "Immigration laws" — shall refer to this Act and any other law presently existing or  
24 which may hereafter be enacted relating to movement of natural persons to and from the  
25 Philippines, and their exclusion, interception, removal and repatriation;

1 (q) "Immigration Officer"— shall refer to any person appointed under Section 29 of this  
2 Act or any employee of the Authority designated by the Director General to perform the powers,  
3 duties and functions of an Immigration Officer as specified under this Act;

4 (r) "Interception" – shall refer to the act of Immigration Officers denying departure  
5 clearance to any person leaving the country on grounds provided for in this Act;

6 (s) "Naturalization" — means either a judicial or administrative process by which a  
7 foreign national acquires Philippine citizenship;

8 (t) "Non-immigrant" — shall refer to any foreigner departing from any place outside the  
9 Philippines who is allowed entry and admission into the Philippines for a temporary or limited  
10 period of stay;

11 (u) "Passport" — shall refer to a document issued by the Philippine government to its  
12 citizens and requesting other governments to allow its citizens to pass safely and freely, and in  
13 case of need to give him all lawful aid and protection;

14 (v) "Person" — shall refer to natural and juridical person such as partnerships,  
15 corporations, companies, and associations;

16 (w) "Port of entry" — shall refer to any port designated by competent authority in  
17 accordance with law through which a foreigner may apply to the immigration officer thereat for  
18 admission into the Philippines;

19 (x) "President" — shall refer to the President of the Republic of the Philippines;

20 (y) "Refugee" — shall refer to a person who, owing to a well-founded fear of being  
21 persecuted for reasons of race, religion, nationality, membership of a particular social group, or  
22 political opinion, is outside the country of their nationality, and is unable to or, owing to such fear,  
23 is unwilling to avail him/herself of the protection of that country;

24 (z) "Seaman," "Seafarer" or "Crewmember" — shall mean a person actually employed  
25 in the operation or service in any capacity on board a vessel;

26 (aa) "Secretary" — shall refer to the Secretary of the Department of Justice;

1 (bb) "Stateless Person" — a person who is not considered a national by any state under  
2 the operation of its laws;

3 (cc) "Travel document" — shall refer to a certification or identifying document containing  
4 the description and other personal circumstances of its bearer, issued for direct travel to and  
5 from the Philippines valid for short periods or a particular trip. It is issued only to persons whose  
6 claim to Philippine citizenship is doubtful or who fall under the category enumerated in Section 13  
7 of the Philippine Passport Act;

8 (dd) "Vessel" — shall refer to all means of conveyances, whether aircraft or sea craft;  
9 and

10 (ee) "Visa" — shall mean an endorsement on a passport or any travel document issued  
11 by a consular officer abroad authorizing the holder thereof to proceed to a designated port of  
12 entry in the Philippines and there to apply for entry and admission under the status specified  
13 therein; or Immigration status granted and/or issued to foreigners by the Board under this Act.  
14

## 15 TITLE II

### 16 PHILIPPINE IMMIGRATION AUTHORITY

#### 17 Chapter 1 — The Authority

18 **Section 4. Creation.** — A Philippine Immigration Authority is hereby created which shall  
19 be principally responsible for the administration and enforcement of immigration, alien  
20 registration, citizenship laws, including but not limited to those dealing with the admission,  
21 exclusion, registration, removal and repatriation of foreigners, and the implementation of all laws,  
22 rules, regulations or orders of any competent authority concerning the entry and admission into,  
23 stay in, and the departure from the Philippines of all persons. For administrative purposes,  
24 the Authority shall be under the supervision of the Department of Justice or under any other  
25 executive department which the President may subsequently determine.

26 **Section 5. Composition and Qualification.** — The Authority shall be administered by a  
27 Board of Directors General headed by the Director General as chairman, and four (4) Deputy

1 Directors General as members, all of whom shall be natural-born citizens of the Philippines and,  
2 at the time of their appointment, at least thirty-five (35) years of age, holders of a college degree  
3 and with proven capacity for administration. After completion of their  
4 term, they shall be entitled to retirement benefits as that in the manner of the Constitutional  
5 Offices.

## 6 **Chapter 2 — The Board of Directors General**

7 **Section 6. Powers and Functions of the Board.** — The Board of Directors General  
8 shall have the following powers and functions:

- 9 (a) Decide on removal cases;
- 10 (b) Act on applications or recommendations for revocation of immigration status;
- 11 (c) Act on applications for recognition of Philippine citizenship by reason of marriage,  
12 birth, repatriation or reacquisition under Republic Act No. 9225;
- 13 (d) Act on petitions/applications for issuance, conversion, adjustment, amendment,  
14 extension or waiver of immigrant, non-immigrant and special non-immigrant visas, as the case  
15 may be;
- 16 (e) Decide on applications for legalization of residence;
- 17 (f) Decide applications for refugee status or asylum;
- 18 (g) Prescribe rules governing proceedings before it;
- 19 (h) Punish for contempt in accordance with the pertinent provisions of the Revised Rules  
20 of Court;
- 21 (i) Prepare and publish an organizational, policy and procedures manual, to include  
22 requirements, time periods and fees for the perfection of all transactions entered into by the  
23 Authority with the public;
- 24 (j) For the purpose of public policy, public interest and the efficient administration of  
25 immigration laws, create visa and special permits, not otherwise provided for in this Act;
- 26 (k) Formulate policies, directives, programs and projects, as well as the rules and  
27 regulations and guidelines to implement the provisions of this Act; and

1 (l) Perform such other functions and powers as may be provided by existing laws, rules  
2 and regulations of the Authority not inconsistent with any of the provisions of this Act and other  
3 existing laws.

4 **Section 7. Decisions of the Board.** — In any case or proceeding before the Board of  
5 Directors General, the decision of the majority of those present shall prevail. Decisions of the  
6 Board shall become final and executory fifteen (15) days from receipt thereof. A motion for  
7 reconsideration may be filed with the Board before the finality of the said decision. No further  
8 motion for reconsideration shall be allowed.

9 Decisions in removal cases may be appealed to the Office of the President, within fifteen  
10 (15) days from receipt thereof, whose decision shall be final and executory unless stayed by an  
11 order of the Court of Appeals on certiorari under Rule 65 of the Revised Rules of Court. The  
12 appeal shall stay the execution of the decision appealed from unless the Board, in the interest of  
13 national security and/or public safety, directs its execution pending appeal.

14 **Section 8. Period for Decision by the Board.** — The Board of Directors General shall  
15 decide removal cases within thirty (30) days from the date they are submitted for decision or  
16 resolution.

17 **Section 9. Meetings of the Board.** — In all cases, the Board of Directors General shall  
18 convene and act as a collegial body in all matters referred to in Section 10 of this Act. The Board  
19 shall meet at least twice a month, or as the need arises. Members of the Board shall be notified  
20 accordingly and the presence of the Chairman and two (2) members shall constitute a quorum.

21 **Section 10. Board Executive Office and Secretariat.** — That Board shall be assisted by  
22 the Board Executive Office and Secretariat headed by a Director who shall be appointed by the  
23 President, upon the recommendation of the Director General. He must be a member of the  
24 Philippine Bar in good standing for at least three (3) years prior to his designation. He shall set  
25 the agenda for the regular meeting of the Board of Directors General; prepare the Minutes of the  
26 Meeting of the Board of Directors General and shall be in charge of the implementation of  
27 approved petitions/application for issuance, conversion, adjustment, amendment, extension of

1 visa approved by the Board of Directors General; He shall also keep a docket book for removal  
2 cases, applications for revocation of immigration status, applications for recognition of Philippine  
3 citizenship by reason of marriage, birth, repatriation or reacquisition under Republic Act No.  
4 9225, applications for legalization of residence, and applications for refugee status or asylum.

### 5 **Chapter 3 – The Director General**

6 **Section 11. Appointment, Rank and Tenure of the Director General.** — The Director  
7 General shall be appointed by the President and shall hold office for a term of seven (7) years  
8 without reappointment. He shall have the rank, salary, and privileges equivalent to an  
9 undersecretary of a department. At the expiration of the term of the Director General, the most  
10 senior Deputy Director General shall temporarily assume and perform the duties and functions of  
11 the Director General until a permanent Director General is appointed by the President. Any  
12 vacancy prior to the expiration of the term of the Director General shall be filled for the unexpired  
13 term only.

14 **Section 12. Powers and Functions of the Director General.** — In addition to his duties  
15 as Chairman of the Board of Directors General, the Director General of Immigration shall  
16 exercise the following powers and functions:

- 17 (a) Supervise, direct and coordinate the overall operations of the Authority;  
18 (b) Exercise immediate control, direction and supervision of all officers and personnel  
19 of the Authority;  
20 (c) Issue (i) letter orders after determination of the existence of probable cause; (ii)  
21 commitment or release orders; (iii) writ of removal; (iv) hold departure orders in cases of pending  
22 preliminary investigation, for a non-extendible period of 60 days or upon the date of the order of  
23 resolution of the prosecutor handling the case, whichever is shorter; (v) allow entry or departure  
24 orders; (vi) orders for blacklisting; and (vii) orders implementing watchlist orders issued by the  
25 Department of Justice;  
26 (d) Delegate authority to subordinate officers and employees of the Authority,;  
27 (e) Act on petitions for declaration of indigency;



1 (f) Declare such control posts, landing places, airports or ports/points of entry or exit,  
2 whether limited or unlimited, as may be deemed necessary;

3 (g) Increase, reduce or waive immigration fees, fines, penalties and other charges;

4 (h) Participate and decide in all petitions before the Special Committee on  
5 Naturalization created under Republic Act No. 9139, as member thereof;

6 (i) Issue certificates of identification to foreigners who have obtained Filipino  
7 citizenship;

8 (j) Issue letter orders and permits to carry firearms, ammunition and communications  
9 equipment to authorized immigration operatives for use in enforcement operations and in the  
10 execution of warrants: Provided, That such firearms are owned and issued by the Authority;

11 (k) Inspect or through his duly authorized representative/s the documents of person  
12 and the premises and records of entity covered by this Act, subject to the provisions of existing  
13 laws, rules and regulations;

14 (l) Deputize any official or employee of the national and local government unit,  
15 including uniformed personnel of the Armed Forces of the Philippines, Philippine National Police  
16 and Philippine Coast Guard to perform immigration duties and functions subject to the  
17 concurrence of the Board;

18 (m) Authorize and prescribe the forms and the amount of cash bonds for the  
19 provisional release of respondents in removal proceedings;

20 (n) Authorize immigration employees to do overtime work at rates fixed by him  
21 when the services rendered is to be paid for by the shipping companies, airlines or  
22 other persons served;

23 (o) For and in behalf of the Authority, accept donation of materials, equipment or  
24 technical services from any foreign government, international or domestic organization, to  
25 upgrade its efficiency and operations;

26 (p) Accredite schools and learning institutions that can officially accept and enroll  
27 foreign students;

1 (q) Accredit law firms, liaison officers, travel agencies, and other individuals and  
2 organizations transacting with the Authority;

3 (r) Submit to the President, and to Congress, annually or as may be directed, a  
4 report on the number and the status of foreigners in the Philippines; on foreigners admitted or  
5 granted change of status as permanent residents; on foreigners who have been excluded or  
6 removed from the Philippines; on the number of foreigners estimated to be present illegally in the  
7 Philippines in each calendar year and actions taken to arrest them; and other such transactions  
8 of the Authority;

9 (s) Prepare and submit supplemental budget of the Authority for the consideration of  
10 the Department of Budget and Management;

11 (t) Prescribe such rules, regulations or other administrative issuances to govern  
12 proceedings or to carry out the provisions of this Act and the resolutions and policies approved  
13 by the Board;

14 (u) Prescribe such forms and bonds, reports, entries, and other papers; and

15 (v) Perform such other functions inherent to the Director General.

#### 16 Chapter 4 – The Deputy Directors General

##### 17 ***Section 13. Appointment, Rank and Tenure of the Deputy Directors General. —***

18 There shall be four (4) Deputy Directors General who shall be appointed by the President and  
19 shall hold office for a term of seven (7) years without reappointment. The first two (2) appointed  
20 Deputy Directors General shall hold office for seven (7) years and the next two (2) for five (5)  
21 years, without reappointment. They shall have the rank, salary and privileges equal to an  
22 assistant secretary of a Department. Appointment to any vacancy shall be only for the  
23 unexpired term of the predecessor

24 ***Section 14. Duties of the Deputy Directors General. —*** In addition to their duties as  
25 members of the Board of Directors General, the Deputy Directors General shall exercise powers  
26 and functions, as may be assigned to them by the Board, in the following areas of concern as:

- 1 a. Deputy Director General for Administration, Finance, Planning, Legal and Information  
2 and Communications Technology;
- 3 b. Deputy Director General for Regional Operations, Registration, Immigration  
4 Regulation and Visa and Special Permit;
- 5 c. Deputy Director General for Intelligence, Enforcement, Fraud Prevention and  
6 Complaint and Prosecution; and
- 7 d. Deputy Director General for International Policies, Cooperation and Social Integration.

8 **Chapter 5 — The Executive Director**

9 **Section 15. Appointment; Tenure; Rank.** — There shall be an Executive Director of the  
10 Authority who shall likewise be appointed by the President upon the recommendation of the  
11 Director General, with a rank, salary and benefits of Director III, who shall exercise administrative  
12 supervision over different departments of the Authority. He must be a natural born citizen of  
13 the Philippines, at least thirty five (35) years of age with at least five (5) years of experience  
14 performing supervisory and executive functions. He shall be assisted by a Deputy Executive  
15 Director II.

16 **Chapter 6 — The Board of Special Inquiry**

17 **Section 16. Constitution of a Board of Special Inquiry.** — Twelve (12) Boards of  
18 Special Inquiry are hereby constituted, each to be composed of a chairman and two (2)  
19 members. Each Board shall be designated according to their areas of specialization, to be  
20 determined by the Board.

21 **Section 17. Appointment; Qualification and Tenure of the Members of the Board of**  
22 **Special Inquiry.** — The Chairmen and members of the Boards of Special Inquiry shall be  
23 appointed by the Secretary upon the recommendation of the Director General, all of whom shall  
24 be natural-born citizens of the Philippines, and at the time of their appointment, at least thirty (30)  
25 years of age, members of the Philippine Bar in good standing, with at least three (3) years in  
26 actual practice. They shall hold office during good behavior, unless sooner removed for cause.

**Section 18. Powers and Functions of the Board of Special Inquiry.** — The Boards of Special Inquiry shall:

- (a) Administer oaths;
- (b) Punish for contempt in accordance with the pertinent provisions of the Rules of Court;
- (c) Issue *subpoena duces tecum* and subpoena to witnesses to appear in a case being heard by the Board of Special Inquiry;
- (d) Recommend to the Board the imposition, waiver or reduction of fees, fines, penalties, and other charges subject to existing laws, rules and regulations;
- (e) Exercise original authority to hear and recommend to the Board for final resolution of the following cases:

- 1. Removal;
  - 2. Applications for revocation of immigration status;
  - 3. Applications for recognition of Philippine citizenship by reason of marriage, birth, repatriation or reacquisition under Republic Act No. 9225;
  - 4. Applications for legalization of residence; and
  - 5. Applications for refugee status or asylum;
- (f) Perform such other functions and duties as may be directed by the Board or the Director General.

**Section 19. Proceedings Before the Board of Special Inquiry.** — The proceedings before the Boards of Special Inquiry shall be public and faithfully recorded. In all cases, each of the Boards of Special Inquiry shall meet and act as a collegial body. Only members of the Philippine Bar in good standing shall appear for and in behalf of any party before the Boards of Special Inquiry.

**Section 20. Resolutions of the Board of Special Inquiry.** — Cases before the Boards of Special Inquiry shall be resolved within five (5) working days from the date the same are submitted for resolution. Said resolution shall be submitted immediately to the Board for action.

## **Chapter 7 – Directorates and Personnel of the Authority**

**Section 21. Directorates and Other Operating Offices of the Authority.** — The Authority shall have the following directorates and other operating offices, namely: (a) Directorate for Administration; (b) Directorate for Finance; (c) Directorate for Information and Communications Technology; (d) Directorate for Planning and Research; (e) Directorate for International Policies and Cooperation; (f) Directorate for Social Integration; (g) Directorate for Intelligence; (h) Directorate for Law Enforcement; (i) Directorate for Fraud Prevention; (j) Directorate for Legal; (k) Directorate for Immigration Regulation; (l) Directorate for Registration; (m) Directorate for Visa and Special Permit; (n) Directorate for Complaint and Prosecution (o) Internal Audit Office; (p) National Operations Center; and (q) Immigration Academy of the Philippines.

**Section 22. Heads of the Directorate and Other Operating Offices.** — Each directorate and other operating offices shall be headed by a Director: *Provided, however,* That the Director for Directorate for Legal and Directorate for Complaint and Prosecution shall be members of the Philippine Bar in good standing and the Director for Directorate for Finance Department shall be a Certified Public Accountant.

**Section 23. Duties and Functions of the Directorates and Other Operating Offices.** — The different Directorates and other operating offices of the Authority shall operate in accordance with their respective duties and functions as defined by the Director General, subject to the requirements of efficiency, economy, transparency, accountability and effectiveness, and pertinent budget and civil service laws, rules and regulations.

## **Chapter 8 – The Field Offices**

**Section 24. Field Offices of the Authority.** — The Authority shall operate and maintain a Regional Immigration Office in each of the administrative regions including the National Capital Region and also a Provincial Immigration Office in every province of the country.

The Regional and Provincial Immigration Offices of the Authority shall each be headed by a *Regional Immigration Officer and Provincial Immigration Officer*, respectively, all of whom shall be appointed by the Secretary upon the recommendation of the Director General.

1       **Section 25. Border Control Stations** – There shall be established Border Control  
2 Stations which shall be manned by Border Control Officers. The Border Control Stations shall be  
3 placed in specific areas in the Philippines which will be determined by the Board. Border Control  
4 Officers shall be appointed by the Secretary of Justice, upon recommendation of the Director  
5 General. Their duties and responsibilities shall also be determined by the Board.

6       **Section 26. Changes in the Composition, Distribution of Assignment of Field**  
7 **Offices.** – The Director General may make changes in the composition, distribution and  
8 assignment of field offices, as well as its personnel, based on the demographics of Philippines'  
9 foreigner population and as the exigency of the service may require.

#### 10                               **Chapter 9 — Other Officers of the Authority**

11       **Section 27. Philippine Immigration Representatives** – The positions of Philippine  
12 Immigration Representatives are hereby created. No person shall be appointed to the position of  
13 Immigration Representative unless he has attended the training program prescribed by the  
14 Authority for such position and has the appropriate qualifications as that of the Attaché  
15 prescribed in the Qualification Standards by the Civil Service Commission. He shall also have the  
16 rank, salary and emoluments equivalent to an Attaché. He shall perform functions as may be  
17 provided by the Board.

18       **Section 28. Immigration Officers.** — The position of Immigration Officer is hereby  
19 created. No person shall be appointed to the position of Immigration Officer unless he is a holder  
20 of a bachelor's degree and a first grade civil service eligible. The Immigration Officers shall  
21 perform the following duties:

22               (a) Examine, with the assistance and advice of medical authorities in appropriate cases,  
23 foreigners at the port of entry concerning their admissibility to enter and their qualifications to  
24 remain in the Philippines;

25               (b) Exclude foreign nationals not properly documented, and to admit foreign nationals  
26 complying with the applicable provisions of immigration and related laws;

27               (c) Administer oaths in connection with the performance of their duties;

1 (d) Board and search for foreign nationals on any vessel believed to be used to illegally  
2 bring foreign nationals into the Philippines, and to arrest without warrant any foreigner who in his  
3 presence or view is entering or is about to enter the Philippines in violation of immigration and  
4 related laws, rules and regulations;

5 (e) Act as control officer with authority to prevent the departure of passengers not  
6 complying with the departure requirements; and

7 (f) Perform such other functions as may be assigned by the Director General from time  
8 to time.

9 **Section 29. Appointment and Designation of Employees.** — The appointment of all  
10 other personnel of the Authority, including the designation of Acting Immigration Officers, shall be  
11 vested in the Secretary upon the recommendation of the Director General; *Provided*, that the  
12 Director General may designate or assign any employee to other offices within the Authority  
13 and/or assign him additional or other duties as the best interest or exigency of the service may  
14 require.

15 **Section 30. Assignment of Employees to do Overtime Work.** — The Director General  
16 may assign immigration employees to do overtime work or services pursuant to rules and  
17 regulations to be prescribed at rates fixed by the Director General when the work or service to be  
18 rendered is to be paid by the airline, shipping companies or other persons served.

19 **Section 31. Manning Levels** - On the average nationwide, the manning levels of the  
20 Authority shall be approximately in accordance with immigration officer-to-number of arrival or  
21 port of entry ratio, whatever is deemed practicable which will be determined by the Board.  
22 *Provided*, That the number of employees, as provided in the staffing pattern in accordance with  
23 Section 127 of the Act, shall not be decreased.

### 24 TITLE III

### 25 IMMIGRATION

### 26 Chapter 1 - Non-Immigrants

1        **Section 32. Categories of Non-Immigrants and Types of Visa Issued.** —Foreign  
2 nationals departing from any place outside the Philippines who are otherwise admissible and  
3 who qualify within one of the following categories may be admitted as non-immigrants:

4        (a) Temporary visitors (A Visas) — visitors coming to the Philippines for a temporary  
5 period for reasons of business, pleasure or health:

6            1. Business (A-1 visa) — Temporary visitors engaged in activities of a commercial or  
7            professional nature for a foreign employer or for themselves that will not result in  
8            gainful employment in the Philippines. As used herein, the term “business” refers  
9            to conventions, conferences, consultations and other legitimate activities of a  
10           commercial or a professional nature, but does not include local employment or  
11           labor for hire;

12           2. Pleasure (A-2 visa) — Stay in the Philippines for holiday, including sightseeing,  
13           recreation or visiting relatives; and

14           3. Health (A-3 visa) — Stay in the Philippines to avail of medical treatment.

15        (b) Transit Persons (B Visa) – Persons passing through the Philippines solely for a “stop  
16 over” who have confirmed connecting flight to another country or passengers in immediate and  
17 continuous transit through the Philippines to a destination outside thereof;

18        (c) Crew members (C Visa) - Members of the crew of vessels required for the normal  
19 operation and servicing of the vessels, who come to the Philippines temporarily as part of their  
20 jobs either arriving with or coming to join the vessels;

21        (d) Treaty Traders (D-1 Visa) & Treaty Investors (D-2 Visa) - Citizens and their family  
22 members from a country that has a trade treaty with the Philippines and coming to work in the  
23 Philippines for either a company they own or one that is at least fifty percent (50%) owned by  
24 other nationals of their home country and which company is engaged in substantial trade  
25 between the Philippines and their home country shall be granted a D-1 visa.

26        Citizens and their family members of a country that has an investor treaty with the  
27 Philippines and coming to work in the Philippines for a business they own or one that is at least



fifty percent (50%) owned by other nationals of their home country and which business is supported by a substantial investment from nationals of their home country shall be granted a D-2 visa;

(e) Accredited Foreign Government Officials, Their Families and Attendants (E Visas) – Foreign government officials, their families and attendants coming to the country for official purpose, pursuant to international conventions and bilateral agreements, shall be granted E Visas divided into three (3) types, namely:

1. Persons entitled to E-1 Visa – The E-1 Visa shall be issued to persons enjoying diplomatic immunities and privileges, particularly the following classes of foreign nationals:

- a. Heads of the State and Heads of Government and their personal representatives;
- b. Members of reigning royal families recognized by the Philippine Government;
- c. Governors-general, governors, and high commissioners of dependent territories and their personal representatives;
- d. Cabinet ministers and their deputies and officials with cabinet rank of ministers;
- e. Presiding officers of national legislative bodies;
- f. Justices of the highest national judicial bodies;
- g. Diplomats and career consular officials;
- h. Diplomatic couriers regularly and professionally employed as such;
- i. Military, naval, air and other attaches' assigned to a diplomatic mission;
- j. All members of official *ad hoc* missions of a diplomatic character;
- k. Representatives of international organizations who have diplomatic status and bearing diplomatic passports issued by their governments;

- 1                   l. Officials of international organizations bearing diplomatic passports when
- 2                   traveling on official business;
- 3                   m. Members of delegations proceeding to or from an international conference
- 4                   of an official nature;
- 5                   n. Accompanying wives and unmarried minor children of foreigners within the
- 6                   abovementioned categories; and
- 7                   o. Such other officials going to the Philippines on Diplomatic missions.
- 8                   2. Persons entitled to E-2 Visa - The E-2 visa shall be issued to any other person not
- 9                   included in the foregoing list, who is an officer of a foreign government recognized
- 10                  by the Philippines, is a national of the country whose government he represents,
- 11                  and is proceeding to the Philippines in connection with official business for his
- 12                  government.

13                   This category includes, *inter alia*, the members of the staff of an embassy

14                   or consulate, the staff of international organizations, and official students or

15                   participants in programs under the auspices of the Philippine Government or

16                   recognized international institutions.

17                   The family members of the abovementioned persons shall also be issued

18                   E-2 Visa.

- 19                  3. Persons entitled to E-3 Visa - The E-3 Visa shall be issued to the members of
- 20                  the household, the attendants, servants and employees of persons to whom E-1
- 21                  and E-2 visas have been granted;

22                  (f) Students (F Visa) - Foreign students having means sufficient for their support and

23                  education in the Philippines who seek to enter the Philippines temporarily for the sole purpose of

24                  taking up a course of study higher than high school at a university/seminary, academy or college

25                  accredited for such foreign students by the Director General: *Provided*, That the Director General

26                  shall, in collaboration with the Commission on Higher Education, regularly monitor the status and

activities of said foreign national students in the Philippines under such arrangements as may be agreed by the two agencies;

(g) *Foreigners Under Prearranged Employment (G Visa)* - Foreign nationals coming to the Philippines on prearranged employment, including their family members accompanying or following to join them within the period of their employment. These include intra-company transferees, professionals, performing artists and athletes, and cultural exchange workers under a work exchange program;

(h) *Religious Workers (H Visa)* - Duly ordained or professional missionaries and religious ministers including members of their family coming to the Philippines to join a religious congregation or denomination duly registered with the Securities and Exchange Commission, upon invitation, sponsorship or guarantee of such religious congregation or denomination, solely for the purpose of propagating, teaching and disseminating the doctrines, dogmas or tenets of their faith or religion;

(i) *Representatives of International Organizations and Government Agencies (I Visa)* - Officials and principal representatives and foreign workers of accredited international organizations as well as missions, including their family members, staff and servants. As used herein, the term "accredited international organization" includes any public international organization in which the Philippines participates pursuant to any treaty or under the authority of any act of the Congress of the Philippines authorizing such participation or making an appropriation for such participation and such other international organizations, institutions, agencies, programs, foundations and entities which are recognized by the government of the Republic of the Philippines, including those existing and already recognized as such at the time of the effectivity of this Act. The term "servants" refers to members of the households and employees of persons to whom the E-3 visa has been granted;

(j) *Media Workers (J Visa)* - Foreign media personnel or correspondents, duly accredited by the government agency concerned, who are bona fide representatives of a foreign press, radio, satellite, television, film, or other information media, and are coming to the

1 Philippines solely to engage in gathering unrestricted information principally for dissemination  
2 abroad, including their family members accompanying or following to join them during the period  
3 of the assignment in the Philippines;

4 (k) Exchange Visitors (K Visa) - Foreign nationals entering the Philippines to teach,  
5 study, observe, conduct research or receive training in a specific Exchange Visitor Program duly  
6 approved by the Philippine Government;

7 (l) Refugees (L-1 Visa) & Stateless Persons (L-2 Visa) - Refugees as defined in Section  
8 3(x) hereof shall be issued L-1 Visa. Stateless persons, whose admission for humanitarian  
9 reasons and not inimical to public interest has been approved by the Director General or the  
10 President in such class of cases and under such conditions as he may prescribe, shall be issued  
11 L-2 Visa; and

12 (m) Special Non-Immigrants (M Visas) - Such other foreign nationals including their  
13 family members who may be admitted as non-immigrants under special laws or foreign nationals  
14 not otherwise provided for by this Act who are coming for temporary periods only, and whose  
15 admission is authorized by the Director General or the President in the interest of the public or for  
16 humanitarian considerations and under such conditions as he may prescribe.

## 17 Chapter 2 — Immigrants

18 **Section 33. Quota Immigrants.** — Subject to conditions set forth in this Act, there may  
19 be admitted into the Philippines, immigrants, termed "*quota immigrants*", not to exceed two  
20 hundred (200) of any one nationality based on immigration reciprocity for any one calendar year,  
21 and upon allotment by the Director General of the corresponding quota number. In the allotment  
22 of quota numbers, the following order of preference shall be observed:

23 (a) First Preference - those whose service and qualifications show high educational  
24 attainment, technical training, specialized experience, or exceptional ability in the sciences, arts,  
25 professions, or business as would reasonably enhance and contribute substantial benefits  
26 prospectively to the national economy, or cultural or educational interests or welfare of the

Philippines, including their family members, accompanying or following to join them, who shall likewise be allotted individual quota numbers;

(b) Second Preference - Parents of a naturalized Philippine citizen;

(c) Third Preference - Spouses or minor children of foreign nationals who are lawful permanent residents of the Philippines; and

(d) Fourth Preference - Parents of foreign nationals who are lawful permanent residents of the Philippines.

**Section 34. Allotment of Quota.** — The Director General shall, in allotting quota numbers for the first preference, allot not more than fifty percent (50%) of the annual quota allotment up to the end of June each year: *Provided, however,* That if the fifty percent (50%) is not utilized by the first preference, the balance thereof shall be given to the second and third preferences following the order of preference specified under Section 31 of this Act. Any unused quota allotment for a calendar year cannot be carried over and utilized for the ensuing calendar year.

**Section 35. Basis in Determination of Quota Allotment.** — The nationality of an immigrant whose admission is subject to the numerical limitation imposed by Section 31 of this Act shall be that of the country of which the immigrant is a national or a citizen. The nationality of an immigrant possessing dual nationality may be that of either of the two countries regarding him as a national or citizen if he applies for a visa in a third country. If he applies for a visa within one of the two countries regarding him as a national or citizen, his nationality shall be that of the country in which he shall file his application for a visa to enter the Philippines.

**Section 36. Non-Quota Immigrants.** — The following immigrants, termed "*non-quota immigrants*", may be admitted without regard to numerical limitation and immigration reciprocity:

(a) The spouse of a Philippine citizen: *Provided, however,* That the abandonment and failure to give support by the foreign spouse to his Filipino wife and family, legal separation, or termination of the marital status by annulment or divorce where the cause is attributable to the

1 foreign spouse, shall constitute grounds for cancellation of the immigrant visa issued to the  
2 foreign spouse;

3 (b) A child born to a foreign mother during her temporary visit abroad, the mother being a  
4 lawful permanent resident of the Philippines, if accompanied by or coming to join the mother who  
5 applies for admission within five (5) years from the birth of the child;

6 (c) A child born subsequent to the issuance of the immigrant visa of the accompanying  
7 parent, the visa not having expired or revoked;

8 (d) A foreign national who had been previously lawfully admitted into the Philippines for  
9 permanent residence, who is returning from a temporary visit abroad to an unrelinquished  
10 residence in the Philippines; and

11 (e) A natural born citizen who becomes a naturalized citizen of a foreign country, and is  
12 returning to the Philippines for permanent residence therein, including his spouse and minor  
13 children accompanying or following to join him, except those who have re-acquired or retained  
14 their Philippine citizenship pursuant to Republic Act No. 9225.

15 **Section 37. Status of Children Born to Foreign Nationals.** — A child born in the  
16 Philippines to parents who are foreign nationals and lawful residents of the Philippines shall be  
17 deemed a native-born permanent resident. *However*, a child born to parents who are both non-  
18 immigrants shall be deemed a native-born non-immigrant or temporary resident and may remain  
19 in the Philippines only during the period of authorized stay of the parents, unless he reaches  
20 the age of eighteen (18) years while continuously residing in the country, in which case  
21 he may apply for an appropriate visa or naturalization under existing laws.

### 22 Chapter 3 — Adjustment of Status

23 **Section 38. Conditions for Adjustment of Status of Foreign Nationals.** — The status  
24 of a foreign national admitted into the Philippines as non-immigrant may be adjusted by the  
25 Board, in their discretion and under such regulations as the Director General may prescribe, to  
26 that of a foreigner lawfully admitted for permanent residence if: (a) the foreigner makes an  
27 application for such adjustment; (b) the foreigner is eligible to receive a quota or non-quota

1 immigrant visa and is admissible to the Philippines for permanent residence: and (c) a quota  
2 immigrant visa, if such is the case, is immediately available to him at the time his application is  
3 filed, without the need of first departing from the Philippines. In all such cases, the personal  
4 appearance of the foreigner shall be required during the consideration of his application.

5 **Section 39. Effect of Approval on Application for Adjustment.** — Upon the approval  
6 of an application for adjustment of status under the preceding section, the Director General shall  
7 record the foreign national's lawful admission for permanent residence as of the date of approval  
8 of the application. The Director General shall reduce by one the number of the preference  
9 immigrant visa authorized to be issued under Section 33 of this Act within the class to which the  
10 foreign national is chargeable for the calendar year then current, if such be the case.

11 **Section 40. Adjustment of Status, When Not Allowed.** — Adjustment of status under  
12 Section 36 of this Act shall not be applicable to (a) a foreign crewman, (b) a foreign national who  
13 hereafter continues in or accepts unauthorized employment prior to filing of his application or  
14 who is in unlawful immigration status on the date of filing of his application or who has failed  
15 (other than through no fault of his own or for technical reasons) to maintain continuously a lawful  
16 status since entry into the Philippines, (c) a foreign national admitted as a temporary visitor  
17 without visa, and (d) transients.

#### 18 **Chapter 4 — Documentation and Admission of Non-Immigrants**

19 **Section 41. Documentary Requirements of Non-immigrants.** – Non-immigrants must  
20 present for admission into the Philippines valid passports issued by the governments of the  
21 countries to which they owe allegiance or other travel documents showing their origin and identity  
22 as prescribed by regulations and a valid visa granted by the Authority or Philippine Consular  
23 Officer, if required under existing laws, rules, regulations, or multi-lateral or bilateral agreements.

24 **Section 42. Conditions and Period of Authorized Stay of Temporary Visitors.** — The  
25 initial period of authorized stay of a foreign national admitted as a temporary visitor under Section  
26 30, paragraph (a) of this Act shall not exceed two (2) months from the date of arrival. Extensions  
27 of authorized stay may be granted under terms and conditions as may be prescribed by the

1 Director General: *Provided*, That the total period of authorized stay shall not exceed twenty-four  
2 (24) months: *Provided further*, That during the foreign national's authorized stay: (a) he shall not  
3 take any employment, whether paid or unpaid; (b) he shall not establish or join in any business;  
4 or (c) he shall not enroll and become a student at a school, college, university, academy, or other  
5 educational institution, unless he is granted, upon proper application, a conversion to another  
6 immigration status provided under this Act.

7 **Section 43. Conditions for Issuance of Pre-arranged Visas.** — A visa for a  
8 nonimmigrant referred to in Section 30, paragraph (g) of this Act who is coming to the Philippines  
9 for prearranged employment shall not be issued by a consular officer until the consular officer  
10 shall have received authorization for the issuance of the visa. Such authorization shall be given  
11 only upon petition filed with the Board establishing that no person can be found in the Philippines  
12 willing and competent to perform the work or service for which the nonimmigrant is desired and  
13 that the non-immigrant's admission would be beneficial to the public interest. The petition shall  
14 be made under oath, in the form and manner prescribed by regulations, by the prospective  
15 employer or his representative. The petition shall state fully the nature of the work or service for  
16 which the nonimmigrant is desired, the probable length of time for which he is to be engaged, the  
17 salary and other compensation which he is to receive, the reasons why a person in the  
18 Philippines cannot be engaged to perform the work or service for which the nonimmigrant is  
19 desired and why the non-immigrant's admission would be beneficial to the public interest. The  
20 petition shall be accompanied by a certified copy of any written contract or agreement entered  
21 into for the non-immigrant's service and shall contain such additional information as may be  
22 deemed material. Substantiation of all the allegations made in the petition shall be required and  
23 the allegations that no person can be found in the Philippines willing and competent to perform  
24 the work or service for which the nonimmigrant is desired and that the non-immigrant's admission  
25 would be beneficial to the public interest shall be established beyond doubt by convincing and  
26 satisfactory evidence.



1 If the Board finds that the petition complies with the requirements of the preceding  
2 paragraph and that the petitioner has established the facts entitling him to the authorization, the  
3 Board shall grant the petition and he shall so inform the petitioner and promptly transmit  
4 authorization to the Consular Office at which the non-immigrant is to apply for a visa.

5 ***Section 44. Submission of Crew List and Passenger Manifest to the Authority. –***

6 Simultaneous to the departure from the vessel's port of origin, the master, captain, agent, owner  
7 or consignee of any commercial vessel arriving to the Philippines shall submit to and received by  
8 the Authority within a reasonable time prior to such arrival, the crew lists, passenger manifests  
9 and such other information concerning the persons arriving on such vessel. In the same manner  
10 and condition, the master, captain, agent, owner or consignee of any commercial vessel  
11 departing from any port in the Philippines shall submit to the Authority within a reasonable time  
12 prior to such departure, the crew list, passenger manifest and such other information concerning  
13 the persons departing on such vessel. The crew lists of an incoming sea craft shall be duly  
14 visaed by the appropriate Philippine official abroad.

15 ***Section 45. Inspection of Crewmembers. –*** It shall be the duty of the master, agent,

16 owner or consignee of any vessel arriving in the Philippines to have available on board, for  
17 inspection by the immigration officer, any foreign crewmember employed on such vessel and to  
18 detain such crewmember on board after inspection and to remove such crewmember when  
19 required by the immigration authorities. No crewmember employed on board such vessel shall  
20 be paid off or discharged while the vessel is in port without the permission of the Director  
21 General.

22 ***Section 46. Permission for temporary landing of foreign crewmembers. —*** A foreign

23 crewmember employed on a vessel arriving in the Philippines may be permitted to land  
24 temporarily under such conditions as shall be prescribed by the Authority. The expenses incurred  
25 while on land or awaiting repatriation, for medical treatment in a hospital or elsewhere, burial in  
26 the event of death, and for transfer to the vessel in the event of return of any crewmember shall  
27 be borne by the master, captain, agent, owner or consignee of the carrying vessel.

Chapter 5 – Asylum

**Section 47. Asylum Seekers, Grant of Refugee Status.** – Asylum seekers may apply

for recognition of refugee status upon seeking admission at any port of entry or at any reasonable time after admission. Refugee status shall be granted after a determination by the Board that an applicant meets the qualifications of a refugee as defined in Section 3 hereof. Refugee status shall not be granted to an applicant if:

(a) He has committed a crime against peace, a war crime, or crime against humanity as defined in international laws;

(b) He has committed a serious non-political crime outside the Philippines prior to his admission as a refugee; or

(c) He has been guilty of an act contrary to the purposes and principles of the United Nations.

**Section 48. Cessation of Refugee Status.** – Refugee status granted under the previous section shall cease if a refugee:

(a) Voluntarily re-availed of the protection of the country of his nationality, or having lost his nationality voluntarily re-acquired the lost nationality, or voluntarily re-established himself in the country he left or outside of which he remained owing to fear of persecution;

(b) Acquired a new nationality and enjoys the protection of the country of the new nationality; or

(c) Can no longer continue to refuse to avail the protection of the country of his nationality or, not having a nationality, is able to return to the country of former habitual residence in view of the cessation of the reasons that resulted to his being a refugee: *Provided, That* this ground shall not apply if a refugee is able to invoke compelling reasons arising out of previous persecution for his refusal to avail of the protection of his country of habitual residence or nationality.

**Section 49. Effect of Grant of Refugee Status to Refugee Dependents.** – A spouse, minor child, and other dependents of a refugee who is granted asylum may, if not otherwise

1 eligible for asylum under Section 45, be granted the same status as the refugee to assure family  
2 unity or when it is in the public interest.

3       **Section 50. Confidentiality of Information.** — In proceedings for the recognition of  
4 asylum or refugee status, the confidentiality of information shall be respected and no information  
5 relating to the refugee or asylum seekers shall be shared with the country of origin, directly or  
6 indirectly.

7       **Section 51 . Burden of Proof.** — In proceedings for the recognition of asylum or refugee  
8 status, the burden of proof lies with the applicant, subject to the principle of non-refoulment.

9       **Section 52. Stay of Exclusion or Removal of Asylum Seeker.** — Notwithstanding the  
10 provisions of Sections 75 and 83, the exclusion from entry and removal of a foreigner shall be  
11 stayed during the pendency of an application for asylum, refugee, or humanitarian status. Where  
12 grounds under Section 75 are present, the asylum seeker or refugee shall be allowed entry and  
13 the application shall be immediately referred by the Immigration Officer to the Board of Special  
14 Inquiry.

15       **Section 53. Detention of Asylum Seeker.** — Detention of asylum seekers shall only be  
16 resorted to in cases arising out of illegal entry or unauthorized stay after consideration of other  
17 alternatives, as may be determined by the Director General.

## 18                   **Chapter 6 — Documentation and Admission of Immigrants**

19       **Section 54. Documentary Requirements of Immigrants; Instances when not**  
20 **required.** — Immigrants must present for admission into the Philippines valid passports or travel  
21 documents issued by the government of the country to which they owe allegiance, showing their  
22 origin and identity and valid visas issued by the Board or Philippine consular officer indicating the  
23 date of issue and the period of validity thereof. Immigrant visas, *however*, shall not be required of  
24 the following:

25       (a) A child born subsequent to the issuance of a valid immigrant visa to the  
26 accompanying parent;

1 (b) A child born during the temporary visit abroad of the mother who is a lawful  
2 permanent resident of the Philippines and a holder of a valid reentry permit, if the child is  
3 accompanied by either parent within five (5) years from the date of the child's birth; and

4 (c) A foreigner who is returning to an unrelinquished lawful permanent residence in the  
5 Philippines after a temporary residence abroad and presents for admission a valid reentry permit.

## 6 Chapter 7 — Visa Issuance

7 **Section 55. Nature of Visa.** — Nothing in this Act shall be construed to automatically  
8 entitle any foreign national to whom a visa or other travel document has been issued to enter the  
9 Philippines if, upon arrival at a port of entry, he is found to be inadmissible under this Act or any  
10 other law.

11 **Section 56. Requirements for Issuance of Visa.** — Under the conditions and subject  
12 to the limitations prescribed in this Act or regulations issued hereunder, the Board may approve  
13 the issuance of the following visa, upon the recommendation of a consular officer:

14 (a) A non-immigrant visa to a foreign national who has made proper application therefor,  
15 which shall specify the classification of the non-immigrant under Section 30 of this Act, the period  
16 during which the visa shall be valid, and such additional information as may be required; and

17 (b) An immigrant visa to a foreign national who has made a proper application therefor,  
18 which shall specify the foreign country, if any, to which quota the number is charged, the  
19 immigrant's particular status in such country, the preference to which the foreigner is classified,  
20 the date on which the validity of the visa shall expire, and such additional information as may be  
21 required.

22 **Section 57. Requirements for Physical and/or Mental Examination Prior to Issuance**  
23 **of Immigrant Visa.** — Prior to the issuance of an immigrant visa to any foreign national, the  
24 consular officer shall require such person to submit to a physical and mental examination in  
25 accordance with such regulations as may be prescribed by the Board.

26 **Section 58. Validity of Visa.** — A non-immigrant or immigrant visa issued by a consular  
27 officer abroad pursuant to the immediately preceding section shall be valid for a period not

1 exceeding six (6) months. In prescribing the period of validity of a non-immigrant visa, the  
2 consular officer shall, insofar as practicable, accord to such nationals the same treatment upon a  
3 reciprocal basis as such foreign country accords to citizens of the Philippines who are within a  
4 similar class. An immigrant visa may be replaced under the original number during the calendar  
5 year in which the original visa was issued for a foreigner who establishes to the satisfaction of  
6 the consular officer that he was unable to use the original immigrant visa during the period of its  
7 validity for reasons beyond his control: *Provided, That the foreign national is found by the*  
8 *consular officer to be eligible for another immigrant visa and has paid all the fees.*

9 **Section 59. Denial of Visa, Grounds Thereof.** — The consular officer may deny the  
10 application for visa (a) if it appears from the statements in the application or in the documents  
11 submitted the applicant is not entitled to a visa under this Act; or (b) if he fails to comply with the  
12 requirements of the provisions of this Act.

13 **Section 60. Revocation of Visa Issued by Consular Officer.** — The Director General  
14 may, for valid cause, revoke the visa issued by any Philippine consular office and the latter shall  
15 be notified thereof through the Secretary of the Department of Foreign Affairs. If the notice of  
16 revocation is not received and the visa holder applies for admission into the Philippines, his  
17 admissibility shall be determined by the Immigration Officer upon his arrival at the port of entry.

## 18 **Chapter 8 — Re-entry and Emigration Clearance**

19 **Section 61. Re-entry.** — Every time a registered foreign national, except a temporary  
20 visitor, departs or about to depart temporarily from the Philippines with intention to return must  
21 pay a re-entry fee, emigration clearance fee and head tax: *Provided, That said foreign national*  
22 *returns to the Philippines within a period of one (1) year from his departure in order to maintain*  
23 *his visa category, otherwise, he shall apply for an extension of the period within which to return*  
24 *prior to its expiration and pay the prescribed fees and charges therefor: Provided, further, that if*  
25 *his authorized stay is less than one (1) year, he shall pay a special return fee, emigration*  
26 *clearance fee and head tax for every departure: Provided, finally, that in both cases, if the*  
27 *registered foreign national depart permanently from the Philippines, he shall surrender all his*

1 Philippine immigration documents to the Authority, and apply for and be issued an Emigration  
2 Clearance Certificate upon payment of the prescribed fees and charges therefor, subject to the  
3 following conditions:

4 (a) He has no pending obligation with the government or any of its agencies or  
5 instrumentalities;

6 (b) He has no pending criminal, civil, or administrative proceeding which requires his  
7 continued presence in the country; and

8 (c) There is no ongoing legislative inquiry where he is called upon to testify as a witness.

9 **Section 62. Emigration Clearance.** — Any temporary visitor departing from the  
10 Philippines shall, after the expiration of his initial authorized stay, apply for emigration clearance  
11 with the Authority and pay the prescribed fees and charges therefor.

## 12 **Chapter 9 — Presidential Prerogatives**

13 **Section 63. Presidential Prerogatives.** — Any provision of this Act notwithstanding, the  
14 President may:

15 (a) Deny the entry and admission into the Philippines of any foreign national or a class of  
16 foreign nationals whenever the President finds that the entry would be detrimental to the interest  
17 of the Philippines or impose such restrictions as he may deem appropriate;

18 (b) Waive passport and/or documentary requirements for non-immigrants and immigrants  
19 under such terms and conditions as he may prescribe;

20 (c) Change the status of non-immigrants by allowing them to acquire permanent  
21 residence status without necessity of a visa;

22 (d) Deport any foreign national, subject to the requirement of due process;

23 (e) Admit non-immigrants not otherwise provided for in this Act, for humanitarian  
24 consideration and when not detrimental to public interest, under such terms and conditions as he  
25 may prescribe;

26 (f) Prohibit the departure from the Philippines of any person who is likely to disclose  
27 national security information, or who is likely to organize a rebellion abroad against the

Philippines; or whose presence in the country is necessary to face or be a witness in criminal proceedings; and

(g) Exercise with respect to foreign nationals in the Philippines such powers as are recognized by the generally accepted principles of international law.

## TITLE IV

### PROVISIONS RELATING TO ENTRY

#### Chapter 1 — Classification of Ports of Entry

**Section 64. Authority to Classify Ports.** — The Director General shall classify and designate, from among the ports of entry established by law for immigration purposes, limited or unlimited ports of entry through which foreigners may be admitted into the Philippines. Only such classes of foreigners as provided under the rules and regulations prescribed by the Director General may be admitted at limited ports of entry. The Director General may, after due notice to the public, close designated ports of entry in the interest of national security or public safety.

#### Chapter 2 — Procedures on Arrival

**Section 65. Inspection by Immigration Officer.** — A foreigner seeking admission or readmission shall present his valid passport and visa, if required, to the immigration officer at the port of entry to the Philippines and shall be subject to primary inspection. The decision of the examining immigration officer, if favorable to the admission of any foreigner, may be challenged by another immigration officer. The final determination of admissibility of such foreigner shall be determined by a Director General, in case no resolution is reached between the immigration officers on the challenged admission. In case of admission, the immigration officer shall indicate in the passport the date, the port of entry and the identity of the vessel boarded.

**Section 66. Detention or Quarantine for Examination.** — For the purpose of determining whether a foreigner arriving at any port in the Philippines belongs to any of the classes excludable under this Act, by reason of being afflicted with any of the contagious or communicable disease or mental disorder set forth under Section 75(a) of this Act or whenever the Director General has received information showing that foreigners are coming to the

1 Philippines from a country or have embarked at a place where any of such diseases are  
2 prevalent or epidemic, the foreigner shall be detained or quarantined for a reasonable period of  
3 time to enable the immigration and medical officers to subject such person to observation and  
4 examination.

5 **Section 67. Medical Examination Requirement.** – Any arriving foreign national whom  
6 the examining immigration officer believes to belong under the class of excludable foreign  
7 nationals specified in Section 78(a) herein shall be referred to designated medical officers for  
8 physical and mental examination. Such medical officer shall certify his medical findings for the  
9 information of the immigration officer.

10 **Section 68. Arrival Notice Requirements of Vessel.** – The immigration authorities shall  
11 be furnished with an advance notice of the arrival of any civilian vessel at or nearest such place  
12 of first landing before such vessel comes into any area in the Philippines from any place outside  
13 thereof. If dependable facilities for giving such notice are not available before departure from the  
14 port of origin, any communication equipment or device in the vessel shall be used in giving  
15 advance notice of vessel's arrival, otherwise a landing shall be made at a place where the  
16 communication facilities exist. Such advance notice shall not be required in the case of vessels  
17 with scheduled arrivals filed with the immigration officer in charge at the international port of  
18 entry.

19 If, upon arrival in any area other than the designated port and there is no available  
20 immigration officer therein, the master, pilot, captain, agent or consignee shall not allow the  
21 passengers and crew members to disembark or leave the primary inspection area until the  
22 immigration officer shall have conducted the primary inspection formalities.

23 **Section 69. Contents of Notice of Arrival.** — The advance notice of arrival required in  
24 the preceding section shall specify the following:

- 25 (a) Type of vessel and registration marks;
- 26 (b) Visaed crewlist;
- 27 (c) Passenger manifest;



- 1 (d) Port of last departure;
- 2 (e) International port of intended destination, or other place authorized by the Director
- 3 General;
- 4 (f) Estimated time of arrival; and
- 5 (g) Authorized agent or representative at the place of arrival.

### 6 Chapter 3 — Foreign Crewmember

7 **Section 70. Conditional Permit to Disembark.** — A foreign crewmember of a vessel

8 under Section 30, paragraph (c) of this Act, may be granted a conditional permit, in a form

9 prescribed by regulations, to disembark temporarily from the vessel on which he arrived while

10 such vessel remains in port under terms and conditions as may be prescribed by the Director

11 General.

12 **Section 71. Confiscation and Cancellation of Permit; Removal from the Philippines.**

13 — Upon the determination that the foreigner is not a *bona fide* crewmember or does not intend to

14 depart on the vessel that brought him, the Director General shall cancel and confiscate the

15 conditional permit already issued, take such foreigner into custody, and require the owner,

16 operator, captain, master, pilot, agent or consignee of the vessel on which the foreigner arrived

17 to receive and detain him on board. The expenses for his removal, including the cost of detention

18 and other expenses incidental thereto, shall be borne by the owner, operator, captain, master,

19 pilot, agent or consignee of such vessel.

20 **Section 72. Liability for Overstaying Foreign Crewmen.** — A foreign crewmember

21 who remains in the Philippines in excess of the period allowed in the conditional permit issued to

22 him shall be solidarily liable with owner, operator, captain, master, pilot, agent or consignee of

23 the vessel to pay the penalties prescribed in Section 124 of this Act.

24 **Section 73. Liability for Unauthorized Pay-off or Discharge Foreign Crewmen.** — It

25 shall be unlawful for any person, including the owner, operator, captain, master, pilot, agent or

26 consignee of any vessel to pay-off or discharge any foreign crewman employed on board a

27 vessel arriving in the Philippines and whilst in port, without first obtaining the permission of the

1 Director General, otherwise, such person or owner, operator, captain, master, pilot, agent or  
2 consignee of the vessel shall pay the Authority such fine as may be prescribed in Title VI,  
3 Chapter 7 of this Act. No such vessel shall be granted clearance from any port in the Philippines  
4 while such fine remains unpaid or while the validity thereof is being determined: *Provided*, That  
5 clearance may be granted prior to such determination upon deposit of a sum or cash bond  
6 sufficient to cover such fine as approved by the Director General.

7 **Section 74. Duty to Report Desertion or Illegal Landing of Foreign Crewmen.** —The  
8 owner, operator, captain, master, pilot, agent or consignee of any vessel shall immediately  
9 report, in writing, to the immigration officer all cases of desertion or illegal disembarkation in the  
10 Philippines from the vessel, together with a description of such foreigner and any information that  
11 shall result in his apprehension.

12 **Section 75. Requirement for Submission of List of Newly Employed, Discharged**  
13 **and Illegally Landed.** — Prior to the departure of any vessel from the last port in the Philippines  
14 destined to any place outside thereof, the owner, operator, captain, master, pilot, agent or  
15 consignee thereof shall deliver to the immigration officer at that port a list containing: (a) the  
16 names of foreign crewmen who were not employed thereon at the time of the vessel's arrival on  
17 such port but will depart thereat on the same vessel; (b) the names of those, if any, who have  
18 been paid off or discharged; and (c) those who have deserted or illegally landed at that port, if  
19 any. The Director General may require said list to contain additional information as he deems  
20 necessary.

21 **Section 76. Liability for Failure to Submit Complete, True and Correct Report.** — In  
22 case the owner, agent, consignee, or captain fails to submit a true and complete lists or report of  
23 foreigners, or to report cases of desertion or illegal landing as required by Sections 75 and 76 of  
24 this Act, such owner, agent, consignee, or captain shall pay to the Authority such sum as may be  
25 prescribed in Title VI, Chapter 7 hereof. No such vessel shall be granted clearance from any port  
26 in the Philippines while such fine remains unpaid or while the validity thereof is being determined:

1 *Provided, That clearance may be granted prior to such determination upon deposit of a sum or*  
2 *cash bond sufficient to cover such fine as approved by the Director General.*

#### 3 **Chapter 4 – Exclusions**

4 **Section 77. Exclusion Grounds.** - The following classes of foreign nationals shall not be  
5 allowed entry and shall be excluded from the Philippines:

6 (a) Health Related Grounds

- 7 1. Those who are found to be suffering from a communicable, dangerous or  
8 contagious disease;  
9 2. Those who are found to be suffering from mental disorder or associated behavior  
10 that may pose threat to persons or danger to property;  
11 3. Those who are found to be suffering from addiction to prohibited or regulated  
12 substance;

13 (b) Economic Grounds

- 14 1. Those likely to become a public charge;  
15 2. Those seeking entry for the purpose of performing skilled or unskilled labor,  
16 without the certification of the Secretary of the Department of Labor and  
17 Employment as required by law;

18 (c) Moral Grounds

- 19 1. Those coming to the Philippines to practice polygamy or who advocates the  
20 practice of polygamy unless his religion allows such practices;  
21 2. Those who are pedophiles, sexual perverts or those coming to the Philippines for  
22 immoral purposes;  
23 3. Those who are engaged or who seek to engage in prostitution or to procure or  
24 attempt to procure prostitutes, or who receives in whole or in part the proceeds of  
25 prostitution;

1           4. Those who at the time of primary inspection by the immigration officer exhibit any  
2           obnoxious behavior, contempt or disrespect for the said officer or any government  
3           official or authority;

4       (d)   Criminal and Security Grounds

5           1. Those who have been convicted of a crime involving moral turpitude or who admit  
6           to the immigration officer having committed such crime, or who attempt and  
7           conspire to commit the crime;

8           2. Those who have been convicted, or who admit having committed, or are  
9           committing acts which constitute the elements of a violation or conspiracy to  
10          violate any law or regulation of the Philippines or a foreign country relating to  
11          controlled, regulated or prohibited substance, or who attempt or conspire to  
12          commit the crime;

13          3. Those that the Philippine government knows or has reason to believe is a  
14          trafficker in any controlled, regulated or prohibited substance or knows or has  
15          reason to believe is or has been a knowing assister, abettor, conspirator or  
16          colluder with others in the illicit trafficking in any controlled, regulated or prohibited  
17          substance;

18          4. Those coming to the Philippines to engage in any other unlawful commercialized  
19          vice;

20          5. Those who are fugitives from justice;

21          6. Those who seek to enter the Philippines to engage in:

22           a. Espionage or sabotage, or a violation or evasion of any laws prohibiting  
23           export of goods, technology or sensitive information;

24           b. Any activity aimed to promote membership in an organization of  
25           syndicated criminal activities;

26           c. Any activity, the purpose of which is to overthrow the Philippine  
27           government by force, violence or other unlawful means; and

1 d. Any other unlawful activity.

2 7. Those who are engaged or believed to be engaged or likely to engage in, aid,  
3 abet or finance any terrorist activity and members or representatives of a foreign  
4 terrorist organization;

5 8. Those who have been identified by competent authorities, local or foreign,  
6 as having engaged or are engaging in human trafficking and smuggling;

7 9. Those who under fifteen years of age, unaccompanied by or not coming to a  
8 parent, except that they may be admitted in the discretion of the Director General,  
9 if otherwise admissible; and

10 10. Those who have been identified by competent authorities, local and foreign, as  
11 having engaged or are engaging in importation of contrabands and other  
12 prohibited articles into the country.

13 **Section 78. Temporary Detention of Excludable Foreigners.** — For the purpose of  
14 ascertaining whether a foreigner arriving in the Philippines belongs to any of the excludable  
15 classes of foreigners provided in this Act or related laws, the immigration officer may temporarily  
16 detain for investigation such foreigner, either on board the vessel or at a place designated for the  
17 purpose at the expense of the master, captain, agent, owner or consignee of the carrying vessel.

18 **Section 79. Finality of Exclusion Order.** — An order by the immigration officer to  
19 exclude a foreign national who is excludable under Section 75 hereof is final and executory  
20 unless revoked by the Director General upon a timely appeal prior to the implementation of the  
21 exclusion order.

22 **Section 80. Authority to Waive Grounds for Exclusion.** — Except for grounds of  
23 exclusion under Section 78, paragraph D, subparagraphs 1 to 8 and subparagraph 10, the  
24 Director General may waive any of the grounds for exclusion mentioned thereof.

25 **Section 81. Procedure of Removal and Cost Thereof.** — Any foreign national arriving in  
26 the Philippines who is ordered excluded shall be immediately removed, in the same  
27 accommodation to the country where he boarded the vessel on which he arrived, unless the

Director General determines that immediate removal is not proper and practicable. The cost of detention and other expenses incident thereto shall be borne by the owner, operator, master, pilot, captain, agent or consignee of the vessel in which he arrived.

**Section 82. Country Where Removal is to be Directed.** — If the government of the country designated in the preceding section will not accept the foreign national into its territory, his removal shall be directed by the Director General, in his discretion and without necessarily giving or preference, either to:

(a) The country which he is a citizen or national;

(b) The country of birth;

(c) The country of his habitual residence; or

(d) The country willing to accept the foreign national into its territory, if removal to any of the foregoing country is impractical or impossible.

**Section 83. Obligation of Captain or Transport Operator.** — It shall be unlawful for an owner, operator, master, captain, pilot, agent, or consignee of a vessel to refuse or fail to:

(a) board a foreigner ordered excluded and removed under Section 78 hereof in the same vessel or another vessel owned or operated by the same company;

(b) detain a foreign national on board any such vessel at the port of arrival when required by this Act or when so ordered by a immigration officer;

(c) deliver a foreign national for medical or other examination when so ordered by such officer;

(d) remove a foreign national from the Philippines to the country to which his removal has been directed; or

(e) pay the cost of detention and other expenses incidental thereto of a foreign national incurred while being detained as required by Section 79 of this Act or other costs necessary or incident to his removal as provided in subsequent sections of this Act .

**Section 84. Penalty for Non-compliance of Obligation.** — The owner, operator, master, captain, pilot, agent, or consignee of a vessel who violated Section 84 hereof shall pay

1 the fine imposed in Title VI, Chapter 7 of this Act. No such vessel shall be granted clearance  
2 from any port in the Philippines while such fine remains unpaid or while the validity thereof is  
3 being determined: *Provided*, That clearance may be granted prior to such determination upon  
4 deposit of a sum or cash bond sufficient to cover such fine as approved by the Director General.

## 5 TITLE V

## 6 REMOVAL

### 7 Chapter 1 — Removable Foreign Nationals

8 ***Section 85. Classes of Foreigners Subject of Removal.*** — The following foreigners  
9 shall be arrested upon the order of the Director General and removed after hearing and  
10 recommendation by the Board of Special Inquiry and approval by the Board of Directors General:

11 (a) Those who entered the Philippines by means of false and misleading statements or  
12 documents, misrepresentations, or without inspection and admission by the immigration  
13 authorities;

14 (b) Those who entered the Philippines who were not lawfully admissible at the time of  
15 entry;

16 (c) Those who engage, abet or aid in the practice prostitution including the owner,  
17 manager or inmates of a house of prostitution or are procurers, pedophiles, or sexual perverts;

18 (d) Those who, at any time after the date of entry, have become a public charge;

19 (e) Those who remain in the Philippines in violation of any period of limitation or  
20 condition under which they were admitted;

21 (f) Those who believe in, advise, advocate or teach the overthrow by force and violence  
22 of the government of the Republic of the Philippines, or duly constituted authority, or who do not  
23 believe in or are opposed to organized government, or those who advise, advocate, or teach the  
24 assault or assassination of public officials because of their office, or who advise, advocate, or  
25 teach the unlawful destruction of property, or who are members of or affiliated with any  
26 organization entertaining, advocating or teaching such doctrines or who in any manner  
27 whatsoever lend assistance, financial or otherwise, to the dissemination of such doctrines;

1 (g) Those who at any time after entry engage in, abet, aid or finance terrorist activity;

2 (h) Those who commit any violations of the provisions of this Act, independent of any  
3 criminal action which may be brought against them; *Provided, however,* That in the case of a  
4 foreigner who for any reason is convicted and sentenced to suffer both imprisonment and  
5 removal, said foreigner shall first serve the entire period of his sentence before being removed;  
6 *Provided, further,* That the imprisonment may be waived by the President, and upon payment by  
7 the foreigner concerned of such costs, fines and/or damages suffered by the government or any  
8 aggrieved party;

9 (i) Those who, at any time after entry, are engaged in acts or omissions punishable  
10 under Philippine penal laws cognizable by the Regional Trial Court;

11 (j) Those who, at any time after entry, are convicted by final judgment of a crime  
12 punishable under Philippine penal laws cognizable by the Municipal Trial Court;

13 (k) Those who are guilty of any offense penalized under the naturalization laws of the  
14 Philippines or any law relating to the acquisition of Philippine citizenship;

15 (l) Those who defraud their creditors by absconding or alienating properties to prevent  
16 their attachment or execution;

17 (m) Those who were admitted as non-immigrants and who obtained an adjustment of their  
18 admission status for convenience, or through fraud, falsification of documents,  
19 misrepresentations, or concealment of material facts;

20 (n) Those who violated Philippine labor and taxation laws, rules and regulations;

21 (o) Those who, upon prior investigation and hearing, are found to be undesirable and  
22 whose further stay in the Philippines is inimical to public welfare and interest, or the dignity of the  
23 Filipinos, or the Republic of the Philippines as a sovereign nation;

24 (p) Those who forge, counterfeit, alter, or falsely make any document; or use, attempt to  
25 use, possess, obtain, accept, or receive or provide any forged, counterfeit, altered, or falsely  
26 made document; or use or attempt to use or provide or attempt to provide other than the  
27 possessor (including a deceased individual); or accept or receive or provide any document



1 lawfully issued to a person other than the possessor (including a deceased individual) for the  
2 purpose of satisfying or complying with the requirements for his stay in the Philippines; and

3 (q) Those whose presence or activities in the country may result in adverse  
4 consequences to Philippine foreign policy as determined by the Secretary of the Department of  
5 Foreign Affairs.

6 **Section 86. Rules on Prescription in Removal Cases.** — The right of the State to  
7 initiate at any time removal proceedings for causes mentioned in paragraphs (a), (b), (c), (d), (e),  
8 (f), (g), (h), (m), (n) and (o) of Section 86 of this Act, shall not prescribe: *Provided*, That no  
9 removal proceedings may be initiated under any other paragraphs of the aforesaid Section 86,  
10 unless the apprehension in the removal proceedings is made within (5) years after the cause for  
11 removal arises. Removal for causes mentioned in paragraphs (a), (c), (g), (i), (l), (o) and (q) of  
12 the same section shall not be effective, unless the court when sentencing the foreigner  
13 recommends otherwise.

## 14 **Chapter 2 — Detention and Removal**

### 15 **of Foreign Nationals**

16 **Section 87. Issuance of Summons.** — If the Director General determines that there  
17 exists a reasonable ground to remove a foreigner pursuant to Section 86 of this Act, he may  
18 issue summons requiring the foreigner to appear in person before the designated investigating  
19 officer at the time, date, and place stated therein.

20 **Section 88. Authority to Issue Letter Order.** — The Director General may issue a letter  
21 order if he determines that a probable cause exists for the filing of removal charges against a  
22 foreigner for violation of the immigration and other related laws, rules and regulations or there is  
23 a strong probability that a removable foreigner may flee from his place of abode, go into hiding or  
24 surreptitiously leave the country.

25 **Section 89. Formal Charge of Removal.** — A formal charge for removal shall be issued  
26 upon determination of the existence of a *prima facie* case against the foreigner. Pending final  
27 determination of his removal case, the foreigner shall, upon the discretion of the Director

1 General: (a) remain under detention; or (b) be released on bail or recognizance. The bail may be  
2 revoked and confiscated in favor of the government if there is sufficient evidence that the  
3 foreigner is evading the proceedings or is attempting to abscond, in which case, he shall be  
4 taken into custody and detained under the same letter order.

5 **Section 90. Detention of Foreigner Convicted of a Felony or an Offense.** — After  
6 service of his sentence or compliance with the conditions of his parole or probation, as the case  
7 may be, the foreigner shall be taken into custody and placed under detention by order of the  
8 Director General. Pending final determination of his removal case, he may be ordered released  
9 under such terms and conditions prescribed by the Director General.

10 **Section 91. Voluntary Removal, When Authorized.** — In case the foreigner does not  
11 contest the formal charge and opts to voluntarily leave the country at his own expense, the Board  
12 may waive the removal proceedings and order his departure within the period specified therein:  
13 *Provided*, That said foreigner shall be barred from re-entering the country without prior written  
14 authorization from the Director General.

15 **Section 92. Contents of a Writ of Removal.** — The writ of removal shall be in the  
16 prescribed form and shall state the grounds therefor, the specific place where the foreigner is to  
17 be removed and the period within which to execute such order.

18 **Section 93. Period to Enforce Writ of Removal.** — The writ of removal shall be  
19 enforced immediately, but in no case shall exceed the period of three (3) months, from the date it  
20 has become final and executory. If removal is not enforced within the prescribed period for  
21 reasons beyond the control of the Authority, the foreigner shall remain in custody.

22 **Section 94. Suspension of Writ of Removal.** — Upon application and payment of  
23 prescribed fees, the Director General may suspend the enforcement of the writ of removal of a  
24 foreigner and order his release for good cause taking into account the following factors:

- 25 (a) Age, health, family or conduct;  
26 (b) Period of detention;  
27 (c) Impact on national security and public welfare;

- (d) Unavailability of travel documents;
- (e) Existence of an application for refugee status; or
- (f) Other humanitarian considerations.

**Section 95. Reinstatement of the Writ of Removal.** — A Writ of Removal previously enforced against a foreigner who unlawfully re-entered the Philippines shall be deemed reinstated and shall be re-enforced in accordance with the provisions of this Act. This provision shall apply to a foreigner who departed voluntarily under Section 92 hereof.

**Section 96. Country of Destination of a Person Subject of Removal.** — Except as provided for under existing treaty or international agreement, the foreigner shall be removed to the country of which he is a citizen or national, or to the country of his birth, or to the country of which he is a resident, or to the country from which he embarked for the Philippines, subject to the acceptance by the receiving country.

**Section 97. Existence of Danger in Country Where Foreigner is to be Removed.** — No foreigner shall be removed to a country where there exists a danger to his life or freedom on account of race, religion, nationality, political opinion, or membership in a particular political or social group, except in the following circumstances:

(a) The foreigner participated, induced, or cooperated in the persecution of any person on account of race, religion, nationality, political opinion, or membership in a particular political or social group in the country where he is to be removed;

(b) The foreigner is a fugitive from justice in the country where he is to be removed;

(c) The foreigner committed a serious non-political crime in the country where he is to be removed; or

(d) The foreigner is an undesirable and/or a danger to the national security of the Philippines.

**Section 98. Cost of Removal.** — The cost of removal shall be shouldered by the vessel in the case of its foreign crewmember who is to be removed for violation of Section 69 of this Act. In all other cases, the cost of removal shall be borne by the person subject of removal himself,

1 the concerned consular office, non-government organizations or people's organization with which  
2 the Authority has an agreement on this matter, or from the appropriations for the enforcement of  
3 this Act.

4       **Section 99. Liability of Vessel.** — Failure or refusal on the part of the owner, operator,  
5 captain, agent, or consignee of a vessel to take on board, guard safely, and transport the person  
6 subject of removal to his country of destination, or to shoulder the cost of removal of the foreign  
7 crewmember as provided in Section 101 hereof, shall be punished by an administrative penalty  
8 prescribed in Title VI, Chapter 7 of this Act.

9       **Section 100. Expenses of the Accompanying Person.** — The Director General may,  
10 by reason of the mental or physical condition of the person subject of removal, direct an  
11 employee of the Authority to accompany such person subject of removal to the country of his  
12 destination, subject to provisions of the immediately preceding sections.

13                               **Chapter 3 — Indigent Foreigners**

14       **Section 101. Removal of Indigent Foreigners.** — At any time after entry, the  
15 Director General may remove indigent foreigners from the Philippines to the country, of which  
16 they are citizens or nationals, or country of birth, or country of residence, as the case may be.  
17 The cost of such removal shall be charged against the available funds of the Authority. Any  
18 foreigner removed under this section shall be barred re-admission, except upon written  
19 authorization of the Director General.

20                               **TITLE VI**

21                               **MISCELLANEOUS PROVISIONS**

22                               **Chapter 1 — Registration of Foreign Nationals**

23       **Section 102. Requirement of Registration.** — Temporary foreign visitors must register  
24 with the Authority or Office of the Regional Immigration Officer or Provincial Immigration Officer  
25 nearest to his place of residence, on or before the sixtieth (60<sup>th</sup>) day from arrival in the  
26 Philippines.

1       **Section 103. Registration Form and Oath.** — Applications for registration shall be  
2 under oath and in such form as prescribed by the Authority. Upon registration, a certificate of  
3 registration in such form and containing such particulars as prescribed by the Authority shall be  
4 issued to the registrant. In case of loss or destruction of the certificate, a replacement thereof  
5 shall be issued by the Authority, upon application.

6       **Section 104. Amendment of Registration.** — A registered foreign national shall notify  
7 the Authority in writing of any change of information in his registration documents not later than  
8 seven (7) days thereof.

9       **Section 105. Presentation of Certificate of Registration.** — Every foreigner required  
10 to register under this Act or the parent or guardian of such foreigner shall, upon demand of any  
11 authorized immigration official, present his certificate of registration, and failure to do so without  
12 justifiable cause shall be dealt with in accordance with the provisions of this Act.

13       **Section 106. Reportorial Requirement.** — Every foreigner registered under this Act  
14 shall, within the first sixty (60) days of every calendar year, report in person to the Authority,  
15 subject to the payment of annual report fee as prescribed by the Authority. The parent or legal  
16 guardian of foreigners below fourteen (14) years of age shall have the duty to comply with the  
17 requirements prescribed under this Act.

18       **Section 107. Failure to Comply with the Requirements.** — A foreigner, or his parent or  
19 guardian, as the case may be, who, without justifiable reason, fails to comply with all the  
20 requirements under this Act, or who files an application for registration containing statements  
21 known by him to be false, or who utilizes registration documents other than his own, shall be  
22 dealt with in accordance with the provisions of this Act and other existing laws.

23       **Section 108. Cancellation of Registration of Foreign National.** — In case of death of a  
24 foreigner registered under the provisions of this Act, his legal heir, representative or administrator  
25 must inform the Authority within sixty (60) days from date of death and the Authority shall cancel  
26 such registration. The Local Civil Registrar or other civil registry officer of the locality where said  
27 foreigner died shall furnish the Authority with a copy of the Certificate of Death within thirty (30)

1 days from issuance thereof. Failure on the part of the persons concerned to comply with the  
2 requirements of this section shall be dealt with pursuant to the provisions of this Act.

### 3 **Chapter 2 — Head Tax**

4 **Section 109. Head Tax.** — Every foreign national who is at least fourteen (14) years of  
5 age and admitted to the Philippines for a temporary stay exceeding sixty (60) days shall pay a  
6 head tax in amount the of Five Hundred Pesos (PhP 500.00).

### 7 **Chapter 3 — Bonds and Deposits**

8 **Section 110. Bonds, When Exacted.** — The Authority shall have the power to exact  
9 cash bond in such amounts and under such conditions as it may prescribe:

10 (a) To control and regulate the admission into, and departure from, the Philippines of  
11 foreigners applying for temporary admission;

12 (b) To insure against foreign passengers liable to be excluded as likely to become public  
13 charges; and

14 (c) To insure the appearance of foreigners released from custody during the course of  
15 removal proceedings instituted against them.

16 **Section 111. Requirement of Cash Deposits for Overtime Services.** — The Authority  
17 shall likewise have the power to require cash deposits in such amounts as may be necessary  
18 from vessel's owners, operators, captains, agents, or consignees or other persons served to  
19 cover payments for overtime services to be performed by officers and employees of the  
20 Authority.

21 **Section 112. Cancellation and Forfeiture of Bonds.** — When the conditions of the  
22 bond are fulfilled, or in case of a bond posted to insure against a foreigner becoming a public  
23 charge when the Director General decides that the likelihood no longer exists, or naturalization  
24 as Philippine citizen, or death of the foreigner in whose behalf the bond is posted, the bond shall  
25 be cancelled and refunded to the depositor or his legal representative. In case of violation of the  
26 conditions of the bond, the same shall be forfeited and deposited in a trust fund account which

1 may be utilized for the purchase of tickets of indigent person subject of removal and to cover the  
2 costs of operations in the arrest of the person subject of removal who jumps bail.

#### 3 Chapter 4 — Recognizance

##### 4 **Section 113. *Petitions for Recognizance, Sanction for Breach of Conditions.* —**

5 The Director General may order the release of a foreigner upon recognizance of his lawyer or  
6 a person who is of good standing in the community, under such terms and conditions as he  
7 may prescribe. Failure to comply with the terms and conditions of the recognizance shall subject  
8 said lawyer or person to a fine of not less than Fifty Thousand (P50,000.00) pesos but not more  
9 than One Hundred Thousand pesos (P100,000.00), without prejudice to other administrative  
10 sanctions and/or proceedings against the erring party.

#### 11 Chapter 5 — Coordination With Law Enforcement,

#### 12 Security and Other Offices

##### 13 **Section 114. *Coordination With Law Enforcement, Security and Other Offices.* —**

14 The Director General shall have authority to maintain direct and effective coordination with the  
15 National Security Council, National Intelligence Coordinating Agency, Philippine National Police,  
16 National Authority of Investigation and other law enforcement and security offices of the  
17 government. The Director General shall maintain direct and effective coordination with the Office  
18 of Consular Affairs of the Department of Foreign Affairs for the purpose of monitoring the  
19 implementation and administration of this Act and all other immigration and citizenship laws.

#### 20 Chapter 6 — Fees and Charges

##### 21 **Section 115. *Authority of the Director General to Prescribe, Impose and Collect***

22 ***Fees and Charges.*** — The Director General is authorized to prescribe, impose and collect fees  
23 and charges for services rendered pursuant to the provisions of this Act, which shall take effect  
24 fifteen (15) days after the last publication thereof for two (2) consecutive weeks in a newspaper  
25 of general circulation.

1 Chapter 7 - Administrative Fines Against Vessels

2 **Section 116. Fines for Failure to Submit Crew List or Passenger Manifest, or**  
3 **Failure to Account Every Passenger and Crew.** — Any pilot, master, agent, owner or  
4 consignee of a vessel arriving at any port in the Philippines from a place outside thereof who  
5 fails to submit to the immigration authorities a complete and accurate crew list or passenger  
6 manifest, or fails to produce or account every crewmember or passenger whose name appears  
7 in said list or manifest shall be subject to fines of One Hundred Thousand pesos (P100,000.00)  
8 and Fifty Thousand pesos (P50,000.00) for each unaccounted person, respectively.

9 **Section 117. Fine for Violation of Obligation on the Landing or Removal of**  
10 **Foreigners.** — A pilot, master, agent, owner or consignee of any vessel arriving at a port of the  
11 Philippines from a place outside thereof who violates Sections 81 and 96 of this Act shall be  
12 fined not less than Fifty Thousand pesos (P50,000.00) but not more than Two Hundred  
13 Thousand pesos (P 200,000.00) for each violation.

14 **Section 118. Fine for Bringing Undocumented Foreigner, or Foreigner Afflicted with**  
15 **Communicable or Contagious Disease, or Suffering from Mental Disorder.** — The pilot,  
16 master, agent, owner or consignee of the vessel arriving at a port in the Philippines from a place  
17 outside thereof bringing on board an undocumented foreigner shall be fined One Hundred  
18 Thousand pesos (P100,000.00) for each foreigner. If the foreigner is afflicted with a  
19 communicable or contagious disease or is suffering from mental disorder, the fine shall be not  
20 less than Two Hundred Thousand pesos (P200,000.00) but not more than Three Hundred  
21 Thousand pesos (P 300,000.00) for each foreigner.

22 **Section 119. Fine for Bringing a Foreigner to Assist His Illegal Entry or**  
23 **Misrepresenting a Foreigner as a Member of the Crew.** — The pilot, master, agent, owner or  
24 consignee of the vessel arriving at any port in the Philippines from a place outside thereof  
25 bringing on board a foreigner bound for the Philippines to assist his illegal entry, or  
26 misrepresenting the foreigner to the immigration officer at the port of arrival as a bona fide



1 member of the crew, shall be fined not less than One Hundred Thousand pesos (P 100,000.00)  
2 but not more than Two Hundred Thousand pesos (P 200,000.00) for each foreigner.

3 **Section 120. Fine for Violation of Other Provisions of this Act.** — The pilot, master,  
4 agent, owner or consignee of any vessel arriving at any port of the Philippines from a place  
5 outside thereof who violates any other provision of this Act not specifically provided in this  
6 Chapter shall be fined not less than Fifty Thousand pesos (P50,000.00) but not more than Two  
7 Hundred Thousand pesos (P 200,000.00) for each violation.

8 **Chapter 8 — Other Penal Provisions**

9 **Section 121. Other Prohibited Acts and Penalties Thereof.** – Any person who shall  
10 commit any of the acts specified hereunder shall, upon conviction, suffer the penalty of *prision*  
11 *correccional* in its maximum period to *prision mayor* in its minimum period or a fine of not less  
12 than One Hundred Thousand pesos (PhP 100,000.00) but not more than Five Hundred  
13 Thousand pesos (PhP 500,000.00) or both, at the discretion of the court:

14 (a) Impersonates another individual, or falsely appears in the name of a deceased  
15 individual, or evades the immigration laws by using an assumed or fictitious name when applying  
16 for an immigration document;

17 (b) Issues or otherwise disposes of an immigration document or an immigration  
18 accountable form, to any person not authorized by law to receive such documents;

19 (c) Obtains, manufactures, prints, accepts or uses any immigration or travel document  
20 knowing it to be false or uses immigration accountable form that is not legally issued;

21 (d) Enters the Philippines without inspection and admission by the immigration  
22 authorities, or obtains entry into the Philippines by fraud, misrepresentation, or concealment of  
23 material facts;

24 (e) Represents himself to be a Philippine citizen;

25 (f) Knowingly makes under oath any false statement regarding any immigration matter;

26 or

1 (g) Brings into, or lands in the Philippines, or conceals, harbors, employs, or gives  
2 comfort to any person not duly admitted by any immigration officer or not lawfully entitled to enter  
3 into or resides within the Philippines, or attempts, conspires with, or aids another to commit any  
4 such acts.

5 Where the offender of any acts specified in paragraph (g) hereof is a corporation,  
6 company, partnership or other juridical entity, the president, general manager, managing partner,  
7 or chief executive officer thereof shall be held liable. Dismissal by the employer before or after  
8 apprehension shall not relieve the employer of the offense.

9 If the offender who commits any of the acts specified under paragraph (g) hereof of this  
10 section is the pilot, master, agent, owner, consignee, or other person in charge of the vessel  
11 which brought the alien into the Philippines from any place outside thereof, the fine imposed  
12 under the first paragraph hereof shall constitute a lien against the vessel which may be enforced  
13 in the same manner as fines are collected and enforced under existing laws. Such vessel shall  
14 not be allowed to depart without prior clearance issued by the Authority. Where forfeiture is  
15 justified under the particular circumstances of the case, the forfeiture of the vessel in favor of the  
16 government in lieu of the fine shall be decreed.

17 Conviction by final judgment of any offense punishable under this Act or other laws  
18 arising therefrom shall result in the automatic revocation or cancellation of any immigration  
19 document issued to the offender, including that of his wife and unmarried children, if applicable.

20 **Section 122. Penalty for Non-compliance of a Subpoena.** — Any person who, having  
21 been duly served with a subpoena or subpoena *duces tecum*, fails to comply without valid and  
22 justifiable reason with the requirements thereof shall, upon conviction, suffer the penalty of  
23 imprisonment of not more than fifteen (15) days or a fine of not more than One Thousand pesos  
24 (P1,000.00), or both, at the discretion of the court.

25 **Section 123. Penalty for Overstaying Crewmen.** — Any foreign crewman who wilfully  
26 remains in the Philippines beyond the period allowed him for temporary landing shall upon  
27 conviction, suffer the penalty of imprisonment of six (6) months or fine of not less than Fifty

1 Thousand pesos (P50,000.00) but not more than One Hundred Thousand pesos (P 100,000.00),  
2 or both, at the discretion of the court.

### 3 Chapter 9 — Funding

4 **Section 124. Funding.** — In addition to its annual budget under the General  
5 Appropriations Act, the Authority is hereby authorized to retain and use thirty percent (30%) of its  
6 income derived from collection of immigration fees, fines, penalties and charges for maintenance  
7 and other operating expenses, intelligence and law enforcement, information and communication  
8 technology infrastructure, and transportation facilities. The Authority is likewise hereby authorized  
9 to retain and use its income in excess of the prescribed collection target.

### 10 Chapter 10 — Transitory Provisions

11 **Section 125. Interim Period.** — The incumbent Commissioner and two (2) Deputy  
12 Commissioners, if qualified, shall serve as the first Director General and Deputy Directors General  
13 under this Act. Incumbent chiefs of sections and divisions whose offices are upgraded to a  
14 division and directorate respectively shall continue to serve as chiefs of the newly created  
15 divisions and directorates. For those newly created directorates and divisions, the Director  
16 General shall designate the chiefs thereof. The present personnel of the Authority of Immigration  
17 shall continue to discharge the functions of their position for a period of one (1) year from  
18 the date of effectivity of this Act.

19 **Section 126. Staffing Pattern and Salary Schedule.** — To carry out the provisions of  
20 this Act, the Director General will recommend to the Secretary a new staffing pattern and salary  
21 schedule for personnel services in accordance with the Salary Standardization Law and other  
22 applicable laws under the National Compensation and Classification Plan, for approval by  
23 Secretary of the Department of Budget and Management.

24 **Section 127. Reorganization of the Authority.** — Upon approval of this Act, all  
25 employees of Bureau of Immigration covered by the civil service law and regulations shall  
26 continue to hold their present positions pending the reorganization of the Authority in  
27 accordance with the new staffing pattern: *Provided, That* in the event that the positions are

abolished in accordance with the reorganization, the affected employees shall be given first priority in the appointment or promotion to the newly created positions to which they may qualify: *Provided further*, that no incumbent qualified employee of the Bureau of Immigration shall be unjustly separated from service: *Provided furthermore*, that any qualified employee who cannot be absorbed by the Authority shall be entitled to a separation pay equivalent to two (2) months salary for every year of service and other benefits under existing retirement laws, at the option of the personnel concerned: *Provided finally*, that employees who have been dismissed for cause will no longer qualify for any position in the Authority.

**Section 128. Inventory and Transfer of Properties to the Authority.** — All buildings, equipment, facilities, records, and other properties of the Bureau of Immigration as reorganized under this Act shall be properly inventoried and transferred to the Authority.

**Section 129. Treaty or Agreement.** — Any treaty or agreement entered into between the Philippines and any foreign state before the effectivity of this Act shall remain in force and effect.

**Section 130. Pending Cases.** — That nothing contained in this Act shall be construed to affect any prosecution, suit, action, or proceeding brought, or any act, thing, or matter, civil or criminal, done or existing at the time of the effectivity of this Act are continued in force and effect: *Provided, further*, That as to such prosecutions, suits, actions, or proceedings, or as to such acts, things, or matters, the procedure provided for by this Act or by regulations prescribed thereunder shall be followed insfar as the same may be applicable.

**Section 131. Implementing Rules and Regulations.** — The Board, subject to the approval by the Secretary, shall promulgate the rules and regulations for the effective implementation of this Act within ninety (90) days from its effectivity.

#### **Chapter 11 — Repealing Clause**

**Section 132. Repealing Clause.** — Commonwealth Act No. 613, otherwise known as the Philippine Immigration Act of 1940, as amended, is hereby repealed. Section 70 of Act No. 279, otherwise known as the Revised Administrative Code, Republic Act No. 750, Letter of Implementation No. 20, and all other laws, presidential decrees, executive orders, proclamations,

1 memorandum orders, instructions, rules and regulations, or parts thereof, inconsistent with this  
2 Act or any of the provisions thereof are hereby repealed, superseded, or modified accordingly.

3 **Chapter 12 — Separability Clause**

4 **Section 133. Separability Clause.** — If any of the provisions of this Act is held invalid or  
5 unconstitutional by competent authority, the other provisions thereof not affected thereby shall  
6 continue to be in force and effect.

7 **Chapter 13 — Effectivity Clause**

8 **Section 134. Effectivity Clause.** — This Act shall take effect after fifteen (15) days  
9 following its complete publication in at least two (2) newspapers of general circulation.

Approved,