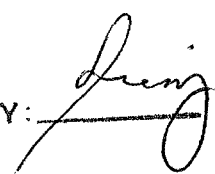


13th Congress of the Republic)
of the Philippines)
First Regular Session)

DE JUN 30 1977

SENATE

RECEIVED BY: 

S. No. 1152

Introduced by Senator Aquilino Q. Pimentel, Jr.

EXPLANATORY NOTE

This bill seeks to grant permanent residence status to qualified Vietnamese refugees and asylum seekers in the Philippines.

The Philippines hosts several alien visitors who have entered our country out of necessity. Most of these refugees are Vietnamese.


Numbering around a thousand, the Vietnamese refugees, living in Palawan and elsewhere in the country are seeking the government's permission to permanently stay here. The Vietnamese refugees are among the thousands who fled their war-torn homeland after the fall of Saigon. Unable to accept the iron rule of communism, they yearned the embrace of free men. Now, their earnest request is to be granted the privilege to permanently stay in our country. They want to adopt it as their own. To them, this is the promised land. Public interest demands that we respond to the request of these distressed refugees in a manner befitting the Philippines' role as the beacon of democracy in the post-EDSA Far East.

For this reason, this bill is filed to legalize and regulate the stay of Vietnamese refugees in the Philippines.

Let us not forget that not too long ago, we too, were a country faced with a similar experience. When tyranny reigned, many persecuted Filipinos fled to other countries seeking temporary shelter therein.

Indeed, there is much to thank the free world for. We are now being called upon as a country to return the good deed by allowing qualified Vietnamese refugees to become permanent residents of the Philippines.

The passage of this bill is earnestly requested.

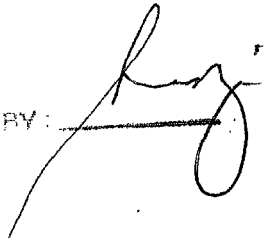

AQUILINO Q. PIMENTEL, JR.

13th Congress of the Republic)
of the Philippines)
First Regular Session)

30 P11:17

SENATE

S. No. 1152

BY: 

Introduced by Senator Aquilino Q. Pimentel, Jr.

AN ACT
GRANTING PERMANENT RESIDENCE STATUS UNDER
CERTAIN CONDITIONS TO VIETNAMESE REFUGEES
THROUGH A SOCIAL INTEGRATION PROGRAM

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

SECTION 1. *Title.* - This Act shall be known as "The Vietnamese Refugee Social Integration Act of 2004."

SECTION 2. *Declaration of Policy.* - The State shall exercise control and regulation over the admission and integration of aliens into its territory and body politic. Towards this end, and as a manifestation of Filipino compassion and respect for human rights, the Vietnamese refugees with unsettled residence status will be allowed to integrate into the midstream of Philippine society in recognition for their unique history in the Philippines. The Philippines reaffirms its adherence to internationally recognized principles on human rights enshrined in the Universal Declaration of Human Rights and other international instruments to which it is a party.

SECTION 3. Coverage. - Upon the effectivity of this Act, Vietnamese refugees who arrived in the Philippines as asylum seekers, between January 1, 1989 to December 31, 1995, are hereby granted permanent residence status upon compliance with the requirement thereunder. Consequently, they shall not be prosecuted for crimes defined under Commonwealth Act No. 613, otherwise known as the Immigration Act of 1940.

Children born of parents who are granted permanent residence under this Act shall, upon proper registration with the Bureau of Immigration, become permanent residents.

SECTION 4. Disqualifications. - Any Vietnamese refugee who is a burden to society or has been convicted by final judgement of a crime or has a pending criminal case during his stay in the Philippines shall be disqualified from acquiring permanent resident status.

SECTION 5. Integration Requirements and Fees. - The social integration of Vietnamese refugees established under Section 3 shall be effective and its benefits enjoyed by these nationals upon completion of the following acts:

5.1 Registration with the Bureau of Immigration;

The registration forms shall contain: the applicant's full name and aliases by which he or she may be known; a complete fingerprint card; police and NBI clearances; proof of his or her identity; good moral character through affidavit from two (2) Filipino citizens of good repute in his or her place of residence; proof of financial

capacity; history of stay in the Philippines; residential address of the immediate past five (5) years; and four (4) passport-size pictures.

5.2 Payment of the following integration fees to a duly licensed commercial or universal bank accredited by the BIR as authorized to receive income tax payments:

a. A minimum fee of Ten Thousand Pesos (₱10,000.00) upon filing of the registration forms;

b. A single payment of not less than Five Thousand Pesos (₱5,000.00) for the applicant's spouse and not less than Two Thousand Five Hundred Pesos (₱2,500.00) for each biological child below eighteen (18) years of age;

5.3 The integration fees paid by a Vietnamese refugee shall be in lieu of all immigration fees and fines which he or she may have previously incurred;

5.4 Submission of a medical certificate stating that the applicant is not a user of prohibited drugs and that he or she is not afflicted with Acquired Immune Deficiency Syndrome (AIDS);

5.5 Verification by the Bureau of Immigration of the truth and veracity of the Vietnamese Refugee's documentary submissions.

SECTION 6. *Official Receipt.* - The commercial or universal bank mentioned in Section 5.3 hereof shall issue an official receipt for the integration fee, upon payment by the applicant of a processing fee of not less than One Thousand Pesos (₱1,000.00) to be fixed by the Bureau of Immigration.

SECTION 7. *Duties of the Bureau of Immigration.* - The Bureau of Immigration shall have the ministerial duty of accepting the registration forms required under Section 5 hereof. The Bureau may charge a minimum of One Hundred Pesos (₱100.00) for the filing of the registration forms. Upon payment of the filing fee, the Bureau shall issue a certification that the applicant has filed all the forms required under Section 5 of this Act.

Upon completion by the Vietnamese refugee of the requirements of Sections 5 and 6 of this Act, the Bureau shall immediately issue an Alien Certificate of Registration (ACR) to the applicant. The permanent residence granted under this Act shall commence from the date the Bureau of Immigration issues the ACR.

SECTION 8. *Application Period and Form.* - The benefits extended by Section 3 can be availed of from January 1, 2005 to December 31, 2005.

All applications shall be submitted under oath or affirmation. Applicants who violate their oath or affirmation by knowingly making untruthful statements on any material matter in their applications shall be liable for perjury under the Revised Penal Code. In addition to the penalty imposed on perjury, any subsequent criminal conviction of the applicant shall revoke the permanent

residence granted him or her and shall subject the applicant to deportation proceedings.

SECTION 9. *Administrative Confirmation.* - The procedure herein provided may be availed of by a Vietnamese refugee who may want a confirmation or affirmation of his or her stay in the Philippines.

SECTION 10. *Eligibility for Citizenship.* - The Vietnamese refugee shall be eligible to apply for naturalization after five (5) years from the date that he or she is granted permanent residence under this Act.

SECTION 11. *Compliance Report and Oversight Functions.* - Within one (1) year from the effectivity of this Act, and before December 31 of every year thereafter, the Bureau of Immigration shall submit to the Chair of the Committee on Justice and Human Rights of each House of Congress, a written report on the implementation of this Act, copy of which shall be furnished the Senate President and the Speaker of the House of Representatives.

SECTION 12. *Appropriations.* - There is hereby appropriated, out of the payments received under Sections 5 hereof, an amount of Five Million Pesos (₱5,000,000.00) to cover administrative and other expenses to be incurred in the implementation of this Act.

Thereafter, such other amounts as may be necessary for the continued implementation of this Act shall be taken from the funds generated under Section 5 hereof.

SECTION 13. *Privacy Clause.* - The information submitted by a Vietnamese refugee applicant pursuant to this Act shall be used only for the purposes of determining the truth and veracity of the factual statements of the applicant.

SECTION 14. *Rule-Making Power.* - The Secretary of Justice shall promulgate such rules and regulations as may be necessary to efficiently and administratively implement the provisions of this Act within six months from its approval.

SECTION 15. *Separability Clause.* - If any provision of this Act is declared invalid or unconstitutional, the provisions not affected thereby shall continue to be in full force and effect.

SECTION 16. *Repealing Clause.* - All laws, decrees, executive orders or rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 17. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after the completion of its publication in at least two (2) national newspapers of general circulation.

Approved,