

SIXTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



Senate
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'13 JUL -4 AM 10

SENATE

S. No. 181

RECEIVED BY: *ji*

Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

The Bureau of Immigration came into existence upon the passage of Commonwealth Act No. 613, or the "Philippine Immigration Act of 1940". This law governs the entry and admission of foreigners into the Philippines. Though amendments were introduced to this Act, there is a pressing need to modernize the Bureau of Immigration to become more responsive to the challenges brought about by the advancement in science and technology, and attuned to the current needs especially with the onset of globalization, transnational crimes, and human trafficking.

Recognizing the need for a "modern, efficient and professionalized" Philippine immigration service, this bill seeks to reorganize the Bureau of Immigration by defining the functions of the departments under it as well as to modernize the systems and procedures on immigration in our country. It also seeks to create the Commission on Immigration and strengthen its function as gatekeeper and a primary economic agent taking into account the duty to safeguard the country's national borders while fostering investments.

The proposed measure also calls for the creation of more visa categories and privileges for foreign investors, providing a more friendly business environment conducive to attracting and increasing foreign investments into the country. It is hoped that through the said modernization, businessmen will be attracted, thereby contributing to the much needed investments in the country, rendering the agency as an effective agent of economic development.

Also under this bill is the expansion of the classification of disqualified aliens and the imposition of penalties for aliens involved in syndicated criminal activities to enhance national security and ensure the safety of Filipinos.

In view of the foregoing, immediate approval of this measure is earnestly sought.

ANTONIO "SONNY" F. TRILLANES IV

Senator

'13 JUL -4 AM 10

SENATE

RECEIVED BY: *Jia*

S. No. 481

Introduced by Senator Antonio "Sonny" F. Trillanes IV

PHILIPPINE IMMIGRATION ACT OF 2013

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 2013.*"

SEC. 2. *Declaration of Policy.* – In relation to other states, the Philippines shall give paramount consideration to national sovereignty, territorial integrity, national security, national interest, and the right to self-determination, as it adheres to the policy of peace, cooperation and amity with all nations. Toward this end, Philippine immigration policies, rules and regulations under this Act shall be applied and administered in the promotion of domestic and international interests of the Philippines, in recognition of:

(a) The admission of foreign nationals for the purpose of enhancing capital investments, trade and commerce, cultural exchanges and other forms of friendly relations and cooperation;

(b) The need for increased technological and scientific development;

(c) Promotion of conditions for social welfare and economic security of the people;

(d) Compliance with obligations and standards set by international law in the admission or exclusion of foreign nationals;

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

(f) Modernization of structures and mechanisms necessary for the administration of immigration laws in keeping with the changing demands of the country's role in the global community; and

1 (g) Professionalization of the immigration service by instituting a rigid system of
2 screening and selection of immigration officials and employees and promoting their
3 development.

4 **SEC. 3. Definition of Terms.** - As used in this Act, the following terms are defined as
5 follows:

6 (a) "Admission" refers to the process by which a foreigner arriving at a port of entry in
7 the Philippines is allowed into the country by the immigration authorities;

8 (b) "Board" refers to the Board of Commissioners;

9 (c) "Border Control Officer" refers to any person tasked to man the border control station
10 as provided under Section 26 of this Act;

11 (d) "Captain" refers to the master of a vessel or pilot of an aircraft;

12 (e) "Child" refers to a person below eighteen (18) years of age;

13 (f) "Citizen" refers to any person who is a citizen of the Philippines under Section 1,
14 Article IV of the Constitution of the Republic of the Philippines;

15 (g) "Commission" refers to the Commission on Immigration;

16 (h) "Commissioner" and "Deputy Commissioner" refer to the Commissioner of
17 Immigration and the Deputy Commissioner of Immigration, respectively;

18 (i) "Commitment Order" refers to an order issued by the Commissioner under Section 7
19 (c) (2) of this Act that directs the detention of a foreigner after it has been determined that a
20 probable cause exists that he/ she committed acts and/ or omissions in violation of Philippine
21 immigration laws, rules and regulations, or during the pendency of deportation case against such
22 foreigner: Provided, That such detention shall not exceed three (3) months, unless there exists
23 other legal grounds for continued detention;

24 (j) "Consular officer" refers to any consular, diplomatic, or other officer of the
25 Government of the Philippines who has been duly granted a consular commission for the purpose
26 of issuing visas under this Act;

27 (k) "Entry" refers to the arrival of a foreigner into any designated port of entry in the
28 Philippines from a place outside thereof. A foreigner having a lawful permanent residence in the
29 Philippines shall not be regarded as making an entry for the purpose of this Act if such foreigner
30 proves that his/her departure to a place outside the Philippines was for a temporary or limited
31 period, or his/her continued absence from the Philippines was occasioned by deportation
32 proceedings, extradition, or other legal process;

33 (l) "Exclusion" refers to the act of Immigration Officers denying admission of a foreigner
34 into the country on grounds provided for in this Act;

35 (m) "Foreigner" or "Foreign National" refers to any person not a citizen of the
36 Philippines;

1 (n) "Foundling" refers to a deserted or abandoned infant or child whose parents, guardian
2 or relatives are unknown; or a child committed to an orphanage or charitable or similar
3 institution with unknown facts of birth and parentage and registered in the Civil Registrar as a
4 "foundling";

5 (o) "Hold Departure Order" refers to (1) a directive that commands the Commissioner to
6 prevent a foreigner from leaving the territorial jurisdiction of the Philippines in cases of grant of
7 bail and recognizance pending implementation of Summary Deportation Order, or (2) an order
8 implementing a directive from the President, the Senate, the House of Representatives, the
9 Department of Justice (DOJ), Regional Trial Courts, Sandiganbayan, and appellate courts to
10 prevent a person from leaving the Philippines to any place outside thereof;

11 (p) "Husband" and/ or "Wife" refer(s) to those regarded as such by the laws of the
12 country of which they are nationals but shall not include husband or wife by reason of proxy or
13 "picture marriage";

14 (q) "Immigrant" refers to any foreign national departing from any place outside the
15 Philippines destined for the Philippines, other than a non-immigrant;

16 (r) "Immigration laws" refers to this Act and any other law presently existing or which
17 may hereafter be enacted relating to movement of natural persons to and from the Philippines,
18 and their exclusion, interception, deportation and repatriation;

19 (s) "Immigration Officer" refers to any person appointed under Section 28 of this Act or
20 any employee of the Commission designated by the Commissioner to perform the powers, duties
21 and functions of an Immigration Officer as specified under this Act;

22 (t) "Interception" refers to the act of Immigration Officers denying departure clearance to
23 any person leaving the country on grounds provided for in this Act;

24 (u) "Non-immigrant" refers to any foreigner departing from any place outside the
25 Philippines who is allowed entry and admission into the Philippines for a temporary or limited
26 period of stay;

27 (v) "Non-refoulement" refers to principle of international law which prohibits the forced
28 return of a refugee to the state or territory where his/her life or liberty would be threatened;

29 (w) "Passport" refers to document issued by the Philippine government to its citizens
30 requesting other governments to allow its citizens to pass safely and freely, and in case of need to
31 give him all lawful aid and protection;

32 (x) "Person" refers to natural and juridical person such as partnerships, corporations,
33 companies, and associations;

34 (y) "Port of entry" refers to any port designated by competent authority in accordance
35 with law through which a foreigner may apply to the Immigration Officer thereat for admission
36 into the Philippines;

37 (z) "President" refers to the President of the Republic of the Philippines;

1 (aa) "Refugee" refers to a person who, owing to a well-founded fear of being persecuted
2 for reasons of race, religion, nationality, membership of a particular social group, or political
3 opinion, is outside the country of his/her nationality, and is unable or, owing to such fear, is
4 unwilling to avail of the protection of that country; or who, not having a nationality and being
5 outside the country of his/her former habitual residence, is unable or, owing to such fear, is
6 unwilling to return to it;

7 (bb) "Seaman," "Seafarer" or "Crewmember" refers to a person actually employed in the
8 operation or service in any capacity on board a vessel;

9 (cc) "Secretary" refers to the Secretary of the Department of Justice;

10 (dd) "Stateless Person" refers to a person who is not considered as a national by any State
11 under the operation of its laws;

12 (ee) "Travel document" refers to a certification or identifying document containing the
13 description and other personal circumstances of its bearer, issued for direct travel to and from the
14 Philippines valid for short periods or a particular trip. It is issued only to persons whose claim to
15 Philippine citizenship is doubtful or who fall under the category enumerated in Section 13 of
16 Republic Act No. 8239, otherwise known as "The Philippine Passport Act of 1996";

17 (ff) "Vessel" refers to all means of conveyances, whether aircraft or sea craft;

18 (gg) "Visa" refers to an endorsement on a passport or any travel document issued by a
19 Consular Officer abroad authorizing the holder thereof to proceed to a designated port of entry in
20 the Philippines and there to apply for entry and admission under the status specified therein; or
21 immigration status granted and/ or issued to foreigners by the Commissioner or the Board under
22 this Act; and

23 (hh) "Watchlist Order" refers to an order issued by the Commissioner under Section 7 (c)
24 (4) of this Act that requires immigration personnel to monitor and/or prevent the departure of any
25 person for a period of fifteen (15) days, extendible for another fifteen (15) days, and to notify
26 concerned government or law enforcement agencies, when his/her presence is required in
27 criminal or legislative proceedings or he/she poses or may pose a threat to national security,
28 public health or public safety.

29
30 **TITLE II**

31 **COMMISSION ON IMMIGRATION**

32 **CHAPTER 1**

33 **THE COMMISSION**

34 **SEC. 4. Creation.** - The Commission on Immigration is hereby created. It shall be
35 principally responsible for the administration and enforcement of this Act, and the
36 implementation of all laws, rules, regulations or orders of any competent authority concerning

1 the entry and admission into, stay in, and the departure from the Philippines of all persons. The
2 Commission shall be under the general supervision of the Office of the President.

3 **SEC. 5. *Composition and Qualification.*** - The Commission shall be administered by the
4 Board headed by the Commissioner as Chairperson, and four (4) Deputy Commissioners as
5 members, all of whom shall be natural-born citizens of the Philippines and, at the time of their
6 appointment, at least thirty-five (35) years of age, holders of a college degree and with proven
7 capacity for administration: Provided, That the majority or three (3) members including the
8 Chairperson of the Commission shall be members of the Philippine Bar in good standing for at
9 least five (5) years.

10 11 CHAPTER 2

12 THE COMMISSIONER

13 **SEC. 6. *Appointment and Rank of the Commissioner.*** - The Commissioner shall be
14 appointed by the President and shall have the same rank, salary, and privileges of an
15 Undersecretary of a Department.

16 **SEC. 7. *Powers and Functions of the Commissioner.*** - In addition to the duties as
17 Chairperson of the Board, the Commissioner shall exercise the following powers and functions:

- 18 (a) Supervise, direct and coordinate the overall operations of the Commission;
- 19 (b) Appoint, and exercise control and supervision over, the officers and personnel of the
20 Commission, subject to existing civil service laws, rules and regulations;
- 21 (c) Issue, (1) letter orders after determination of the existence of probable cause; (2)
22 commitment or release orders; (3) warrant of deportation; (4) watchlist orders; (5) hold departure
23 orders; (6) allow entry or departure orders; (7) blacklist orders; and (8) orders implementing
24 watchlist orders issued by the Department of Justice;
- 25 (d) Delegate authority to subordinate officers and employees of the Commission, except
26 with regard to powers and functions enumerated in the immediately preceding paragraph, which
27 may be delegated only to the Deputy Commissioners;
- 28 (e) Act on applications for issuance and revocation of immigrant visas;
- 29 (f) Act on petitions for declaration of indigency;
- 30 (g) Declare such control posts, landing places, airports or ports as points of entry or exit,
31 whether limited or unlimited;
- 32 (h) Increase, reduce or waive immigration fees, fines, penalties and other charges;
- 33 (i) Participate as member of the Special Committee on Naturalization pursuant to Section
34 6 of Republic Act No. 9139 otherwise known as "The Administrative Naturalization Law of
35 2000"; Act on applications for retention or reacquisition of citizenship under Republic Act No.
36 9225 otherwise known as "Citizenship Retention and Re-acquisition Act of 2003" ;

1 (k) Issue Certificate of Identification to foreigners who have obtained Filipino
2 citizenship;

3 (l) Issue letter orders and permits to carry firearms, ammunition and communications
4 equipment to authorized immigration operatives for use in enforcement operations and in the
5 execution of warrants: Provided, That such firearms and ammunition are owned and issued by
6 the Commission;

7 (m) Inspect the documents, premises and records of persons covered by this Act;

8 (n) Deputize any official or employee of the national government and local government
9 units, including uniformed personnel of the Armed Forces of the Philippines, the Philippine
10 National Police and the Philippine Coast Guard to perform Immigration duties and functions
11 subject to the concurrence of the Board;

12 (o) Authorize and prescribe the forms and the amount of cash bonds for the Provisional
13 release of respondents in deportation proceedings;

14 (p) Impose reasonable fines and penalties for violation of immigration and Alien
15 registration laws in accordance with this Act and the guidelines adopted by the Commission;

16 (q) Provide an express lane for the rendition of services upon payment of prescribed fees
17 by airlines/shipping companies or other persons served and to deposit in a government
18 authorized depository bank all such fees received under a trust fund that may be made available
19 for the payment of allowances to employees of the Commission, subject to existing accounting
20 and auditing rules and regulations;

21 (r) Accept donation of materials, equipment or technical services from any Foreign
22 government, international or domestic organization, to upgrade the efficiency and operations of
23 the Commission;

24 (s) Submit to the President and Congress, annually or as may be directed, a report on the:
25 number and status of foreigners in the Philippines; foreigners admitted or granted change of
26 status as permanent residents; foreigners who have been excluded or deported from the
27 Philippines; estimated number of illegal foreigners in the Philippines in each calendar year and
28 actions taken to arrest them, by nationality grouping, for each region in the Philippines; and such
29 other transactions
30 of the Commission;

31 (t) Prepare and submit supplemental budget of the Commission for the consideration of
32 the Department of Budget and Management;

33 (u) Prescribe such rules, regulations or other administrative issuances to carry out the
34 provisions of this Act;

35 (v) Prescribe the appropriate forms, bonds, reports, entries and other papers in
36 accordance with this Act;

37 (w) Perform such other functions inherent to the Commission; and

1 (x) Act on applications for recognition of Philippine citizenship on foundlings.
2

3 CHAPTER 3

4 THE DEPUTY COMMISSIONERS

5 **SEC. 8. Appointment and Rank of Deputy Commissioners.** - There shall be four (4)
6 Deputy Commissioners who shall be appointed by the President. They shall have the same rank,
7 salary and privileges of an Assistant Secretary of a Department.

8 Provided, that a plantilla for one (1) Deputy Commissioner shall be created which shall be
9 occupied by a career officer from the Commission.

10 **SEC. 9. Duties of Deputy Commissioners.** - In addition to their duties as Members of
11 the Board, the Deputy Commissioners shall exercise additional powers, subject to the approval
12 of and as may be assigned by the Board, in the following areas of concern as:

13 (a) Deputy Commissioner for Administration, Finance, Planning, Legal and Information
14 and Communications Technology;

15 (b) Deputy Commissioner for Regional Operations, Registration, Immigration Regulation
16 and Visa and Special Permit;

17 (c) Deputy Commissioner for Intelligence, Enforcement, Fraud Prevention and
18 Complaint and Prosecution; and

19 (d) Deputy Commissioner for International Policies, Cooperation and Social Integration.
20

21 CHAPTER 4

22 THE BOARD OF COMMISSIONERS

23 **SEC. 10. Powers and Functions of the Board.** - The Board shall have the following
24 powers and functions:

25 (a) Decide on deportation cases;

26 (b) Act on appeals on decisions promulgated by immigration hearing officers;

27 (c) Act on applications or recommendations for revocation of immigration status;

28 (d) Act on applications for recognition of Philippine citizenship by reason of birth or
29 marriage;

30 (e) Act on applications for recognition of Philippine citizenship of foundlings;

31 (f) Decide on applications for legalization of residence in accordance with law;

32 (g) Prescribe and promulgate rules of proceedings before it;

33 (h) Cite and punish for contempt any person in accordance with the Rules of Court;

34 (i) Prepare and publish operations manual and rules of procedure, including schedule of
35 fees, for all transactions entered into by the Commission with the public;

36 (j) Formulate policies, directives, programs and projects of the Commission; and

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

3 **SEC. 11. Decisions of the Board.** - In all cases or proceedings before the Board, the
4 decision of the majority shall prevail. Decisions of the Board shall become final and executory
5 fifteen (15) days from receipt thereof. Only one (1) motion for reconsideration shall be filed
6 with the Board. Decisions in deportation cases may be appealed to the Office of the President
7 within fifteen (15) days from receipt thereof, whose decision shall be final and executory unless
8 stayed by an order of the Court of Appeals. The appeal shall stay the execution of the decision
9 appealed from unless the Board, in the interest of national security and/or public safety, directs
10 its execution pending appeal.

11 **SEC. 12. Period for Decision by the Board.** - The Board shall decide deportation cases
12 within thirty (30) days from the date they are submitted for decision or resolution.

13 **SEC. 13. Meetings of the Board.** - In all cases, the Board shall convene and act as a
14 collegial body in all matters referred to in Section 10 of this Act. The Board shall meet at least
15 once a week or, if necessary, twice a week. Members of the Board shall be notified accordingly
16 and the presence of the Chairperson and two (2) members shall constitute a quorum.

17 **SEC. 14. Board Secretary.** - The Board shall be assisted by a Board Secretary who
18 shall be appointed by the Commissioner. He/ she must be a member of the Philippine Bar in
19 good standing for at least three (3) years prior to his/her appointment. He/ she shall keep a
20 docket book for deportation cases, applications for revocation of immigration status,
21 applications for recognition of Philippine citizenship by reason of birth or marriage, applications
22 for legalization of residence and applications for refugee status.

23 24 CHAPTERS 5

25 THE EXECUTIVE DIRECTOR

26 **SEC. 15. Appointment and Tenure** - There shall be an Executive Director of the
27 Commission who shall be appointed by the President, and whose term shall be co-terminous with
28 the Commissioner. He/she must be a natural-born citizen of the Philippines, at least thirty (30)
29 years of age and a member of the Philippine Bar in good standing for at least five (5) years prior
30 to his/her appointment.

31 **SEC. 16. Powers and Duties.** - The Executive Director shall:

32 (a) Advise and assist the Commissioner in the formulation and Implementation of
33 the objectives, policies, plans and programs of the Commission;

34 (b) Oversee all the operational activities of the Commission;

35 (c) Coordinate the programs and projects of the Commission and be responsible for its
36 economical, efficient and effective administration;

1 (d) Administer oaths in connection with all matters relating to the business of the
2 Commission; and

3 (e) Perform such other duties as may be assigned by the Commissioner.
4

5 CHAPTER 6

6 THE BOARD OF SPECIAL INQUIRY

7 **SEC. 17. Constitution of Boards of Special Inquiry.** There shall be constituted as many
8 Boards of Special Inquiry as required in the exigency of service but not more than twelve (12).
9 Each Board shall be composed of a Chairperson and two (2) members. The Board shall be
10 designated according to their areas of specialization to be determined by the Board.

11 **SEC. 18. Appointment and Qualification of the Chairpersons and Members of the**
12 **Boards of Special Inquiry.** - The Chairpersons and members of the Boards of Special Inquiry
13 shall be appointed by the Commissioner, all of whom shall be natural-born citizens of the
14 Philippines and, at the time of their appointment, at least thirty (30) years of age, members of the
15 Philippine Bar in good standing, and engaged in the practice of law for at least three (3) years.
16 They shall hold office during good behavior, unless sooner removed for cause.

17 **SEC. 19. Powers and Functions of the Boards of Special Inquiry.** - The Boards of
18 Special Inquiry shall:

19 (a) Administer oaths;

20 (b) Cite and punish for contempt in accordance with the Rules of Court;

21 (c) Issue subpoena in cases being heard by the Board of Special Inquiry;

22 (d) Recommend to the Board the imposition, waiver or reduction of fees, fines,
23 penalties and other charges subject to existing laws, rules and regulations;

24 (e) Exercise exclusive original authority to hear and recommend to the Board for
25 final resolution the following cases:

26 (1) Deportation;

27 (2) Applications for revocation of immigration status;

28 (3) Applications for recognition of Philippine citizenship by reason of birth or marriage;

29 (4) Applications for legalization of residence in accordance with law;

30 (5) Application for issuance of visa for stateless person; and

31 (f) Perform such other duties and functions as may be directed by the Commissioner.

32 **SEC. 20. Proceedings Before the Boards of Special Inquiry.** - The proceedings before
33 the Boards of Special Inquiry shall be public and recorded. In all cases, the Boards of Special
34 Inquiry shall meet and act as a collegial body. Only members of the Philippine Bar in good
35 standing shall appear for and in behalf of any party before the Boards of Special Inquiry.

1 **SEC. 21. Resolutions of the Boards of Special Inquiry.** - Cases before the Boards of
2 Special Inquiry shall be resolved within five (5) working days from the date the same are
3 submitted for resolution. Said resolution shall be submitted immediately to the Board for action.
4

5 **CHAPTER 7**

6 **DIVISIONS OF THE COMMISSION**

7 **SEC. 22. Divisions and Other Operating Offices of the Commission.** - The
8 Commission shall have the following divisions and other operating offices, namely: (1)
9 Administration; (2) Finance; (3) Information and Communications Technology; (4) Planning
10 and Research; (5) International Policies and Cooperation; (6) Social Integration; (7)
11 Intelligence; (8) Law Enforcement; (9) Fraud Prevention; (10) Legal; (11) Immigration
12 Regulation; (12) Registration; (13) Visa and Special Permit; (14) Complaint and Prosecution;
13 (15) Internal Audit Office; (16) National Operations Center; and (17) Immigration Academy of
14 the Philippines.

15 **SEC. 23. Heads of the Divisions and Other Operating Offices.** - Each Division and
16 other operating offices shall be headed by a Director to be appointed by the Secretary, upon
17 recommendation of the Commissioner: Provided, however, That Directors for the Division for
18 Legal and the Division for Complaint and Prosecution shall be members of the Philippine Bar in
19 good standing, and must have been engaged in the practice of law for at least three (3) years. The
20 Director for Finance Division shall be a Certified Public Accountant in good standing for at least
21 three (3) years.

22 **SEC. 24. Duties and Functions of the Divisions and Other Operating Offices.** - The
23 different divisions and other operating offices of the Commission shall Operate in accordance
24 with their respective duties and functions as defined by the Commissioner, subject to the
25 requirements of efficiency, economy, transparency, Accountability and effectiveness, and
26 pertinent budget and civil service laws, rules and regulations.
27

28 **CHAPTERS 8**

29 **REGIONAL OFFICES**

30
31 **SEC. 25 Field Offices of the Commission.**- The Commission shall all operate and
32 Maintain a Regional Immigration Office in each of the administrative regions including the
33 National Capital Region. the Regional Immigration Offices of the Commission shall each be
34 headed by a Regional Immigration Officer, all of whom shall be appointed by the Secretary upon
35 the recommendation of the Commissioner.

36 **SEC. 26. Border Control Stations** - There shall be established Border Control Stations
37 which shall be manned by Border Control Officers appointed by the commissioner. The Border

1 Control Stations shall be placed in specific areas in the Philippines which shall be determined by
2 the Board. Their duties and responsibilities shall be determined by the Commissioner.

3 **SEC. 26. Border Control Stations** - There shall be established Border Control Stations
4 which shall be manned by Border Control Officers appointed by the Commissioner. The Border
5 Control Stations shall be placed in specific areas in the Philippines which shall be determined by
6 the Board. Their duties and responsibilities Shall be determined by the Commissioner.

7 **SEC. 27. Changes in the Composition, Distribution of Assignment of Regional**
8 **Offices.** - The Commissioner may make changes in the composition, distribution and
9 Assignment of Regional Offices, as well as its personnel, based on the demographics of the
10 Philippines' foreigner population and as the exigency of the service requires.

11 **SEC. 28. Immigration Officers.** - The position of Immigration Officer is hereby created .
12 No person shall be appointed to the position of Immigration Officer unless he is a holder of a
13 bachelor's degree and a first grade civil service eligible. The Immigration officers shall perform
14 the following duties:

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

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

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

21 (d) Search for foreign nationals on any vessel believed to be used to illegally bring
22 foreign nationals into the Philippines, and to arrest without warrant any foreigner who in his
23 presence or view is entering or is about to enter the Philippines in violation of immigration and
24 related laws, rules and regulations;

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

27 (f) Perform such other functions as may be assigned by the Commissioner from time to
28 time.

29 **SEC. 29. Designation of Employees.** - The Commissioner may designate, in accordance
30 with civil service laws, rules and regulations, any competent and qualified employee of the
31 Commission, to act as immigration officer or assign any employee to other offices within the
32 Commission and/ or assign him/her additional or other duties as the best interest or exigency of
33 the service may require.

34 **SEC. 30. Assignment of Employees to do Overtime Work.**- The Commissioner may
35 assign immigration employees to do overtime work or services pursuant to rules and regulations
36 to be prescribed and at the rates fixed by the Commissioner when the work or service to be
37 rendered is to be paid by the airline, shipping companies or other Persons served.

1 **SEC 31. Deployment of Immigration Personnel Abroad.**-Within ninety (90) days
2 from the affectivity of this Act, the Department of Foreign Affairs and the Commission shall
3 enter into a Memorandum of Agreement pertinent to the assignment and deployment of
4 immigration personnel to select consular posts abroad who shall perform immigration duties,
5 except diplomatic and consular functions.

6 **SEC 32. Manning Levels** - On the average, the manning levels of immigration
7 officers of the Commission nationwide shall be in accordance with the number of arrivals in
8 each port of entry as determined by the Board: Provided, That the number of employees, as
9 provided in the staffing pattern in accordance with Section 130 of the Act, shall not be decreased.

10
11 **TITLE III**

12 **IMMIGRATION**

13 **CHAPTER 1-NON-IMMIGRANTS**

14 **SEC 33. Categories of Non-immigrants and Types of Visa Issued.**-Foreign nationals
15 departing from any place outside the Philippines who are otherwise admissible and who qualify
16 under anyone of the following categories may be admitted as non-immigrants:

17 (a) Temporary visitors (A Visas): Visitors coming to the Philippines for a temporary
18 period for reasons of business, pleasure or health:

19 1. Business (A-1 visa): Temporary visitors engaged in activities of a Commercial
20 or professional nature for a foreign employer or for themselves that will not result in gainful
21 Employment in the Philippines. as used herein, the term "business" refers to conventions,
22 conferences, consultations and other legitimate activities of a commercial or a professional
23 nature, but does not include local employment or labor for hire;

24 2. Pleasure (A-2 visa): Temporary visitors who stay in the Philippines for holiday,
25 including sightseeing, recreation or visiting relatives; and

26 3. Health (A-3 visa): Temporary visitors who stay in the Philippines to avail of medical
27 treatment.

28 (b) Transit Persons (B Visa): Persons passing through the Philippines solely for a "stop
29 over" who have a confirmed connecting flight to another country or passengers in immediate and
30 continuous transit to a destination outside the Philippines;

31 (c) Crew members (C Visa): Members of the crew of vessels required for the normal
32 operation and servicing of the vessels who come to the Philippines temporarily as part of their
33 jobs either arriving with or coming to join the vessels;

34 (d) Treaty Traders (D-1 Visa) and Treaty Investors (D-2 Visa): Citizens and their family
35 members from a country that has a trade treaty with the Philippines and coming to work in the
36 Philippines for either a company they own or one that is at least fifty percent (50%) owned by
37 nationals of their home country and which company is engaged in substantial trade between the

1 Philippines and their home country shall be granted a D-1 visa. citizens of a country that has an
2 investor treaty with the Philippines, and their family members, and coming to work in the
3 Philippines for a business they own or one that is at least fifty percent (50%) owned by nationals
4 of their home country and which business is supported by a substantial investment from nationals
5 of their home country shall be granted a D-2 visa; (e) Accredited Foreign Government
6 Officials, Their Families and Attendants (E Visas): Foreign government officials, their families
7 and attendants coming to the country for official purpose, pursuant to international
8 conventions and bilateral agreements, shall be granted E Visas divided into three (3) types,
9 namely:

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

12 a. Heads of the State and Heads of Government and their personal representatives;

13 b. Members of reigning royal families recognized by the Philippine government;

14 c. Governors-General, Governors, and High Commissioners of dependent
15 territories and their personal representatives;

16 d. Cabinet ministers and their deputies and officials with cabinet rank of ministers;

17 e. Presiding officers of national legislative bodies;

18 f. Justices or judges of the highest national judicial bodies;

19 g. Diplomats and career consular officials;

20 h. Diplomatic couriers regularly and professionally employed as such;

21 i. Military, naval, air and other attaches assigned to a diplomatic
22 Mission;

23 j. All members of official special missions of a diplomatic character;

24 k. Officials of international organizations bearing diplomatic passports when
25 raveling on official business;

26 l. Representatives of international organizations who have diplomatic status and
27 bearing diplomatic passports issued by their governments;

28 m. Members of delegations proceeding to or from an international conference of
29 an official or diplomatic nature;

30 n. Accompanying spouses and unmarried minor children of foreigners within the
31 above-mentioned categories; and

32 o. Such other officials going to the Philippines on diplomatic missions.

33 2. Persons entitled to E-2 Visa: The E-2 visa shall be issued to any other person not
34 included in the foregoing list, who is an officer of a foreign government recognized by
35 the Philippines, is a national of the country whose government he represents, and is
36 proceeding to the Philippines in connection with official business for his/her government.

37 This category includes, inter alia, the members of the staff of a diplomatic mission or

1 consular post, the staff of international organizations, and official students or participants
2 in programs under the auspices of the Philippine Government or recognized international
3 Institutions. The family members of the above-mentioned persons shall also be issued E-
4 Visa.

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

8 (f) Students (F Visa): Foreign students having means sufficient for their support and
9 education in the Philippines who seek to enter the Philippines temporarily for the sole purpose of
10 taking up a course of study higher than high school at a university / seminary, academy or
11 college accredited for such foreign students by the Commission on Higher Education in
12 collaboration with the Commission. their collaboration shall include the monitoring of the status
13 of activities of such foreign students in the Philippines;

14 (g) Prearranged Employment (G Visa): Foreign nationals coming to the Philippines on
15 prearranged employment, including their family members accompanying or following to join
16 them within the period of their employment. This category includes intra-company transferees,
17 professionals, performing artists, athletes, and cultural exchange workers under a work exchange
18 program;

19 (h) Religious Workers (H Visa): Duly ordained or professional missionaries and
20 religious ministers, including members of their family, coming to the Philippines to join a
21 religious congregation or denomination duly registered with the Securities and exchange
22 Commission, upon invitation, sponsorship or guarantee of such religious congregation or
23 denomination, solely for the purpose of propagating, teaching and disseminating their faith or
24 religion;

25 (i) Representatives of International Organizations and Government Agencies (I Visa)
26 Officials, principal representatives and foreign workers of accredited international organizations
27 as well as missions, including their family members, staff and servants. The term "accredited
28 international organization" includes any public international organization in the activities of
29 which the Philippines participates pursuant to any treaty or under the authority of any act of the
30 Congress of the Philippines authorizing such participation or making an appropriation for such
31 Participation and such other international organizations, institutions, agencies, programs,
32 foundations and entities which are recognized by the government of the republic of the
33 Philippines, including those existing and already recognized as such at the time of the affectivity
34 of this Act. The term "staff" includes the employees of persons to whom the E-3 visa has been
35 granted;

36 (J) Media Workers (J Visa): Foreign media personnel or correspondents, duly accredited
37 by the government agency concerned, who are bona fide representatives of a foreign press, radio,

1 satellite, television, film, or other information media, and are coming to the Philippines solely to
2 engage in gathering information principally for dissemination abroad, including their family
3 members accompanying or following to join them during the period of the assignment in the
4 Philippines;

5 (k) Exchange Visitors (K Visa): Foreign nationals entering the Philippines to teach,
6 study, observe, conduct research or receive training in a specific Exchange Visitor Program duly
7 approved by the Philippine Government; (l) Refugees (L-1 Visa) and Stateless Persons (L-2
8 Visa): Refugees as defined in Section 3 (z) hereof shall be issued L-1 Visa. Stateless persons,
9 whose admission for humanitarian reasons, and not inimical to public interest has been approved
10 by the Commissioner or the President in such cases and under such conditions as he may
11 prescribe, shall be issued L-2 Visa; and (m) Special Non-Immigrants (M Visas): Such other
12 foreign nationals including their family members who may be admitted as non-immigrants under
13 special laws or foreign nationals not otherwise provided for by this Act who are coming for
14 Temporary periods only, and whose admission is authorized by the Commissioner or
15 the President in the interest of the public or for humanitarian considerations and under
16 such conditions as he may prescribe.

17 **SEC 33-A. Visa Policy.** - The policies governing the issuance, extension, renewal and
18 conversion of visas referred to in Section 33 hereof shall be jointly formulated by the
19 Commission and the Department of Foreign Affairs and, when appropriate, the Commission and
20 the Department of Foreign Affairs shall consult with the concerned government agencies or
21 offices relative thereto. Any visa policy or guidelines to be implemented abroad shall be done by
22 the Department of Foreign Affairs, with due notice to the Commission and other concerned
23 agencies and/ or offices.

24 **SEC. 33-B. Visa Issuance Overseas.**-All non-immigrant visas issued outside of the
25 Philippines shall be done by Consular Officers of the Department of Foreign Affairs duly
26 assigned at Philippines posts abroad. Immigrant visas, whenever issued abroad, shall be done by
27 the Consular Officers upon the approval of the Commission through the Department of Foreign
28 Affairs.

29
30 **CHAPTER 2**
31 **IMMIGRANTS**

32 **SEC. 34. Quota Immigrants.** - Subject to conditions set forth in this Act, there may be
33 admitted into the Philippines, immigrants, otherwise known as "quota immigrants", not to
34 exceed two hundred (200) of anyone nationality based on immigration reciprocity for anyone
35 calendar year and upon allotment by the Commissioner of the corresponding quota number. In
36 the allotment of quota numbers, the following order of preference shall be observed:

1 (a) First Preference: Those whose service and qualifications show high educational
2 attainment, technical training, specialized experience, or exceptional ability in the sciences, arts,
3 professions, or business as would reasonably enhance and contribute substantial benefits
4 prospectively to the national economy, or cultural or educational interests or welfare of the
5 Philippines, including their family members,

6 Accompanying or following to join them, who shall likewise be allotted individual quota
7 numbers;

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

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

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

13 **SEC 35. Allotment of Quota.** - The Commissioner shall, with respect to the first
14 preference, allot not more than fifty percent (50%) of the annual quota allotment up to the end of
15 June each year: Provided, however, That if the fifty percent (50%) is not utilized by the first
16 preference, the balance thereof shall be given to the second, third, and fourth preferences in
17 accordance with Section 34 of this Act. Any unused quota allotment for a calendar year cannot
18 be carried over and utilized for the ensuing calendar year.

19 **SEC. 36. Basis in Determination of Quota Allotment.** - The nationality of an
20 immigrant whose admission is subject to the numerical limitation imposed by Section 34 of this
21 Act shall be that of the country of which the immigrant is a national or a citizen. The nationality
22 of an immigrant possessing dual nationality may be that of either of the two countries regarding
23 him/her as a national or citizen if he/ she applies for a visa in a third country. If he/ she applies
24 for a visa within one of the two countries regarding him/her as a national or citizen, his/her
25 nationality shall be that of the country in which he/ she files his/her application for a visa to
26 enter the Philippines.

27 **SEC. 37. Non-Quota Immigrants.** - The following immigrants, known as "non- quoin
28 immigrants", may be admitted without regard to numerical limitation and immigration
29 reciprocity:

30 (a) The spouse of a Philippine citizen: Provided, however, that the abandonment and
31 failure to give support by a foreign spouse to his/her Filipino spouse and family, legal separation,
32 or termination of the marital status by annulment, declaration of nullity of marriage or divorce
33 where the cause is attributable to the foreign spouse, shall constitute grounds for cancellation of
34 the immigrant visa issued to the foreign spouse;

35 (b) A person of Filipino descent regardless of generation;

36 (c) A child born to a foreign (l)other during her temporary visit abroad, the

1 Mother being a lawful permanent resident of the Philippines, if accompanied by or coming to
2 join the mother who applies for admission within five (5) years from the birth of the child;

3 (d) A child born subsequent to the issuance of an immigrant visa to the accompanying
4 parent, the visa not having expired or revoked;

5 (e) A foreign national who had been previously lawfully admitted into the Philippines for
6 permanent residence who is returning from a temporary visit abroad to an relinquished residence
7 in the Philippines; and

8 (f) A natural-born citizen who becomes a naturalized citizen of a foreign country and is
9 returning to the Philippines for permanent residence therein, including his/her spouse and minor
10 children accompanying or following to join him/her, except the one who has reacquired or
11 retained his/her Philippine citizenship pursuant to Republic Act No. 9225.

12 **SEC. 38. Status of Children Born to Foreign Nationals.** - (a) A child born in the
13 Philippines to parents who are foreign nationals and lawful residents of the Philippines shall be
14 deemed a native 'born permanent resident. (b) A child born to parents who are both non-
15 immigrants shall be deemed a native-born non-immigrant or temporary resident and may remain
16 in the Philippines only during the period of authorized stay of the parents, unless he/she reaches
17 the age of eighteen (18) years while continuously residing in the Philippines, in which case
18 he/she may apply for naturalization under existing laws or for an appropriate visa.

19 20 CHAPTER 3

21 ADJUSTMENT OF STATUS

22 **SEC. 39. Conditions for Adjustment of Status of Foreign Nationals.** - The status of a
23 foreign national admitted into the Philippines as non-immigrant may be adjusted by the Board to
24 that of a foreigner lawfully admitted as a permanent resident if: (a) the foreigner makes an
25 application for such adjustment; (b) the foreigner is eligible to receive a quota or non-quota
26 immigrant visa and is admissible to the Philippines as a permanent resident; and (c) a quota
27 immigrant visa, if such is the case, is immediately available to him/her at the time of his/her
28 application, without the need of first departing from the Philippines. In all such cases, the
29 personal appearance of the foreigner shall be required during the consideration of his/her
30 application.

31 **SEC. 40. Effect of Approval of Application for Adjustment.** - Upon the approval of an
32 application for adjustment of status under the preceding section, the Commissioner shall
33 record the foreign national's lawful admission as a permanent resident as of the date of the
34 approval of the application and shall be included as part of the quota for the calendar year in
35 accordance with Section 34 of this Act.

36 **SEC. 41. Adjustment of Status, When Not Allowed.** - Adjustment of status under Section
37 39 of this Act shall not be applicable to (a) a foreign crewmember, (b) a foreign national who has

1 violated or is in violation of immigration laws, rules and regulations unless the same is through
2 no fault of his/her own or for purely technical reasons, (c) a foreign national admitted as a
3 temporary visitor without visa, and (d) transients.

4 5 **CHAPTER 4**

6 **DOCUMENTATION AND ADMISSION OF NON-IMMIGRANTS**

7 **SEC. 42. Documentary Requirements of Non-immigrants.** - Non-immigrants must
8 present for admission into the Philippines valid passports issued by the governments of the
9 countries to which they owe allegiance to or other travel documents showing their nationality
10 and identity as prescribed by regulations and a valid visa granted by the Philippine Consular
11 Officer, if required under existing laws, rules, regulations, or multi-lateral or bilateral
12 agreements.

13 **SEC. 43. Conditions and Period of Authorized Stay of Temporary Visitors.** -The initial
14 period of authorized stay of a foreign national admitted as a temporary visitor under Section 33
15 of this Act shall not exceed two (2) months from the date of arrival. Extensions of authorized
16 stay may be granted under terms and conditions as ay be prescribed by the Commissioner:
17 Provided, That the total period of authorized stay shall not exceed twenty-four (24) months:
18 Provided further, That during the foreign national's authorized stay: (a) he/she shall not take any
19 employment, whether paid or unpaid; (b) he/she shall not establish or join in any business; or (c)
20 he/she shall not enroll and become a student at a school, college, university, academy, or other
21 Educational institution, unless he/ she is granted, upon proper application, a conversion to
22 another immigration status provided under this Act.

23 **SEC. 44. Conditions for Issuance of Pre-arranged Visas.** ~ A foreigner who is coming
24 to the Philippines for prearranged employment shall not be issued a non-immigrant visa referred
25 to in Section 33 (g) until the Consular Officer shall have received authorization for the issuance
26 of the same. Such authorization shall be given only upon the filing of a petition with the Board
27 establishing, among others, that no person can be found in the Philippines willing and competent
28 to perform the work or service for which the foreigner is desired and that his/her admission
29 would be beneficial to the public interest. The petition shall be under oath by the prospective
30 Employer or his/her representative in the form and manner prescribed by the Board. If the Board
31 finds that the petition complies with the requirements of the preceding paragraph and of other
32 regulations, it shall grant the petition and shall promptly transmit the authorization to the
33 Department of Foreign Affairs and/ or the Consular Office concerned.

34 **SEC. 45. Submission of Crew List and Passenger Manifest to the Commission.** -
35 Simultaneous to the vessel's departure from the port of origin, the master, captain, agent, owner
36 or consignee of any commercial vessel arriving to the Philippines shall submit to the
37 Commission, within a reasonable time prior to such arrival, the crew lists, passenger manifests

1 and such other information concerning the persons arriving on such a vessel. In the same manner
2 and condition, the master, captain, agent, owner or consignee of any commercial vessel departing
3 from any port in the Philippines shall submit to the Commission, within a reasonable time prior
4 to such departure, the crew list, passenger manifest and such other information concerning the
5 persons departing on such vessel. The crew list of an incoming sea craft shall be duly vessel's
6 by the appropriate Consular Officer.

7 **SEC. 46. Inspection of Crewmembers.** - It shall be the duty of the master, captain,
8 agent, owner or consignee of any vessel arriving in the Philippines to have available on board,
9 for inspection by the Immigration Officer, any foreign crewmember employed on such vessel
10 and to detain such crewmember on board after inspection and to remove such crewmember
11 when required by the immigration authorities. No crewmember on board such vessel shall be
12 discharged while the vessel is in port without the permission of the Commissioner.

13 **SEC. 47. Permission for Temporary Landing of a Foreign Crewmember.** - A foreign
14 crewmember on a vessel arriving in the Philippines may be permitted to land temporarily under
15 such conditions as may be prescribed by the Commissioner. all expenses incurred by the
16 Commission while the crewmember is on land shall be borne by the master, captain, agent,
17 owner or consignee of the carrying vessel.

18
19 **CHAPTERS 5**
20 **REFUGEE STATUS**

21 **SEC. 48. Grant of Refugee Status.** - Persons seeking refugee status may apply for
22 recognition as a refugee upon seeking admission at any port of entry or within a reasonable time
23 thereafter. Refugee status shall be granted after a determination by the Board that an applicant
24 meets the qualifications of a refugee as defined in Section 3(z) hereof. Refugee status shall not
25 be granted to an applicant if he/ she:

26 (a) Has committed a crime against peace, a war crime, crime against humanity or any
27 other crime under international law;

28 (b) Has committed a serious non-political crime outside the Philippines prior to is
29 admission as a refugee; or

30 (c) Has been guilty of an act contrary to the purposes and principles of the United
31 Nations.

32 **SEC. 49. Cessation of Refugee Status.** - Refugee status granted under the previous
33 section shall cease if a refugee:

34 (a) Voluntarily repatriates himself/herself or has re-established himself/herself in
35 another State;

36 (b) Acquired a new nationality and enjoys the protection of such a State; or

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

6 **SEC 50. Effect of Grant of Refugee Status to Refugee Dependents.** - A spouse, minor
7 child, and other dependents of a foreigner who is granted a refugee status may, if not otherwise
8 eligible under Section 48, be granted the same status as the refugee to assure family unity or
9 when it is in the public interest.

10 **SEC 51. Confidentiality of Information.** - In proceedings for the recognition of refugee
11 status, the confidentiality of information shall be respected and no information relating to the
12 refugee shall be shared with the country of origin or country of former habitual residence,
13 directly or indirectly.

14 **SEC 52. Burden of Proof.** - In proceedings for the recognition of refugee status, the
15 burden of proof lies with the applicant, subject to the principle of non-refoulement.

16 **SEC 53. Stay of Exclusion or Deportation.** - Notwithstanding the provisions of Sections
17 78 and 86, the exclusion from entry and deportation of a foreigner shall be stayed during the
18 pendency of an application for refugee status. Where grounds under Section 78 are present, the
19 refugee shall be allowed entry and the application shall be immediately referred by the
20 Immigration Officer to the Board.

21
22 **SEC 54. Detention of Refugee.** - Detention of applicants for refugee status shall only
23 be resorted to in cases arising out of illegal entry or unauthorized stay after consideration of other
24 alternatives, as may be determined by the Commissioner.

25 26 CHAPTER 6

27 DOCUMENTATION AND ADMISSION OF IMMIGRANTS

28 **SEC 55. Documentary Requirements of Immigrants; Instances When Not**
29 **Required.** - Immigrants must present for admission into the Philippines valid passports or travel
30 documents issued by the government of the country to which they owe allegiance, showing their
31 nationality and identity and valid visas issued by the Consular Officer indicating the date of
32 issue and the period of validity thereof. Immigrant visas shall not be required of the following:

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

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

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

5 Chapter 7 - Visa Issuance

6 **SEC. 56. Nature of Visa.** - Nothing in this Act shall be construed to automatically
7 entitle any foreign national to whom a visa or other travel document has been issued to enter the
8 Philippines if, upon arrival at a port of entry, he/ she is found to be inadmissible under this Act or
9 any other law.

10 **SEC. 57. Requirement of Issuance of Visa.** - Under the conditions and subject to the
11 limitations prescribed in this Act or regulations issued hereunder, the Commissioner may
12 approve the issuance of an immigrant visa upon the recommendation of a Consular Officer
13 in the following manner:

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

19 (b) The Department of Foreign Affairs, through its Consular Office abroad and
20 through the Office of the Visa Director, shall approve the issuance of a non-immigrant visa to a
21 foreign national who has made a proper application therefor in accordance with Section 33 of
22 this Act.

23 All diplomatic visas under Section 33 (e) of this Act shall be exclusively issued by the
24 Department of Foreign Affairs in accordance with the Vienna Convention on Diplomatic
25 Relations. All other non-immigrant visas under Section 33 shall be issued by the Consular
26 Officer, when the application is made abroad, or may be issued by the Office of the Visa
27 Director of the Department of Foreign Affairs, when the application is made in the Philippines
28 for conversion or renewal. The issuance of special non-immigrant visas falling under the
29 jurisdiction of a particular government office or agency can only be done in coordination with
30 and upon recommendation of the government agency or office concerned.

31 **SEC. 58. Requirements for Physical and/or Mental Examination Prior to Issuance**
32 **of Immigrant Visa.** - Prior to the issuance of an immigrant visa to any foreign national, the
33 Consular Officer shall require such person to submit to a physical and mental examination in
34 accordance with such regulations as may be prescribed by the Commissioner. In addition, said
35 foreign national shall be required to personally plant fifty (50) trees, except when he/ she is
36 physically incapable of doing so, in which case, he/she may cause another person to plant the
37 trees.

1 **SEC. 59. Validity of Visa.** - A non-immigrant or immigrant visa issued by a Consular
2 Officer abroad pursuant to Section 57 of this Act shall be valid for a period not exceeding six (6)
3 months. In prescribing the period of validity of a non-immigrant visa, the Consular Officer shall,
4 insofar as practicable, accord to such nationals the same treatment on a reciprocal basis as such
5 foreign country accords to citizens of the Philippines who are within a similar class. An
6 immigrant visa may be replaced under the original number during the calendar year in which the
7 original visa was issued for a foreigner who establishes to the satisfaction of the Consular Officer
8 that he/ she was unable to use the original immigrant visa during the period of its validity for
9 reasons beyond his/her control: Provided, That the foreign national is found by the Consular
10 Officer to be eligible for another immigrant visa and has paid all the fees.

11 **SEC. 60. Denial of Visa, Grounds Thereof** - The Consular Officer may deny the
12 Application for visa (a) if it appears from the statements in the application or in the documents
13 submitted the applicant is not entitled to a visa under this Act; or (b) if he/she fails to comply
14 with the requirements of the provisions of this Act.

15 **SEC. 61. Revocation of Visa Issued by Consular Officer.** - The Commissioner may, for
16 valid cause and upon confirmation of the Secretary of Foreign Affairs, revoke the visa issued by
17 any Philippine Consular Office. If the notice of revocation is not received and the visa holder
18 applies for admission into the Philippines, his/her admission or entry shall be determined by the
19 Immigration Officer upon his/her arrival at the port of entry.
20

21 CHAPTERS 8

22 RE-ENTRY AND EMIGRATION CLEARANCE

23 **SEC. 62. Re-entry.** - Every time a registered foreign national, except a temporary
24 visitor, departs or is about to depart temporarily from the Philippines with the intention to return,
25 he/she must pay a re-entry fee, emigration clearance fee and head fee: Provided, That said
26 foreign national returns to the Philippines within a period of one (1) year from his/her departure
27 in order to maintain his/her visa category. Otherwise, he/she shall apply for an extension of the
28 period within which to return prior to its expiration and pay the prescribed fees and charges
29 therefor: *Provided, further,* That if his/her authorized stay is less than one (1) year, he/she shall
30 pay a special return fee, emigration clearance fee and head fee for every departure: *Provided,*
31 *finally,* That in both cases, if the registered foreign national departs permanently from the
32 Philippines, he/she shall surrender all his/her Philippine immigration documents to the
33 Commission and apply for and be issued an Emigration Clearance Certificate upon payment of
34 the prescribed fees and charges therefor, subject to the following conditions: (a) He/she has no
35 pending obligation with the government or any of its agencies or instrumentalities;

36 (b) He/she has no pending criminal, civil, or administrative proceeding which requires
37 his continued presence in the country; and

1 (c) There is no ongoing legislative inquiry where he/ she is called upon to testify as a
2 witness.

3 **SEC. 63. Emigration Clearance.** - Any temporary visitor departing from the Philippines
4 shall, after the expiration of his/her initial authorized stay, apply for emigration clearance with
5 the Commission and pay the prescribed fees and charges therefor.

6 CHAPTER 9

7 PRESIDENTIAL PREROGATIVES

8 **SEC. 64. Presidential Prerogatives.** - Any provision of this Act to the contrary
9 notwithstanding, the President may:

- 10 (a) Deny the entry and admission into the Philippines of any foreign national or a class
11 of foreign nationals whenever the President finds that the entry would be detrimental to
12 the interest of the Philippines or impose such restrictions as he/ she may deem
13 appropriate;
- 14 (b) Waive passport and/ or documentary requirements for non-immigrants and
15 immigrants under such terms and conditions as he/ she may prescribe;
- 16 (c) Change the status of non-immigrants by allowing them to acquire permanent
17 residence status without necessity of a visa;
- 18 (d) Deport any foreign national, subject to the requirement of due process;
- 19 (e) Admit non-immigrants not otherwise provided for in this Act for Humanitarian
20 considerations and when not detrimental to public interest, under such terms and
21 conditions as he/ she may prescribe;
- 22 (f) Prohibit the departure from the Philippines of any person who is likely to disclose
23 national security information, or who is likely to organize a rebellion abroad against the
24 Philippines, or whose presence in the country is necessary to face, or be a witness in,
25 criminal proceedings; and
- 26 (g) Exercise, with respect to foreign nationals in the Philippines, such powers as are
27 recognized by the generally accepted principles of international law.
- 28
29

30 TITLE IV

31 PROVISIONS RELATING TO ENTRY

32 CHAPTER 1

33 CLASSIFICATION OF PORTS OF ENTRY

34 **SEC. 65. Authority to Classify Ports.** - The Commissioner shall classify and designate,
35 from among the ports of entry established by law for immigration purposes, limited or unlimited
36 ports of entry through which foreigners may be admitted into the Philippines. Only such classes
37 of foreigners as provided under the rules and regulations prescribed by the Commissioner may be

1 admitted at limited ports of entry. The Commissioner may, after due notice to the public, close
2 designated ports of entry in the interest of national security or public safety.

3 4 CHAPTER 2

5 PROCEDURES ON ARRIVAL

6 **SEC. 66. Inspection by Immigration Officer.** - A foreigner seeking admission or
7 readmission shall present his/her valid passport and visa, if required, to the immigration officer at
8 the port of entry and shall be subject to primary inspection. The decision of the examining
9 Immigration Officer, if favorable to the admission of any foreigner, may be challenged by
10 another Immigration Officer. The final determination of admissibility of such foreigner shall be
11 determined by the Commissioner in case no resolution is reached between the Immigration
12 Officers on the challenged admission. In case of admission, the Immigration Officer shall
13 indicate in the passport the date, the port of entry and the identity of the vessel boarded.

14 **SEC. 67. Detention or Quarantine for Examination.** - For the purpose of
15 determining whether a foreigner arriving at any port in the Philippines belongs to any of the
16 classes excludable under this Act by reason of being afflicted with any of the contagious or
17 communicable disease or mental disorder set forth under Section 78(a) of this Act or whenever
18 the Commissioner has received information showing that foreigners are coming from a country
19 or a place where any of such diseases are prevalent or widespread, the foreigner shall be detained
20 or quarantined for a reasonable period of time to enable the immigration and medical officers to
21 subject such person to observation and examination.

22 **SEC. 68. Medical Examination Requirement.** - Any arriving foreign national whom
23 the examining Immigration Officer believes to belong under the class of excludable foreign
24 nationals specified in Section 78(a) herein shall be referred to designated medical officers for
25 physical and mental examination. Such medical officer shall certify his/her findings for the
26 information of the Immigration Officer.

27 **SEC. 69. Arrival Notice Requirements of Vessel.** - The immigration authorities shall be
28 given prior notice of the arrival of any civilian vessel before such vessel comes into any area in
29 the Philippines from any place outside thereof. Such prior notice shall not be required in the
30 case of vessels with scheduled arrivals filed with the Immigration Officer in charge at the
31 international port of entry. If, upon arrival in any area other than the designated port and there is
32 no available Immigration Officer therein, the master, pilot, captain, agent or consignee shall not
33 allow the passengers and crew members to disembark or leave the primary inspection area until
34 the immigration officer shall have conducted the primary inspection formalities.

35 **SEC. 70. Contents of Notice of Arrival.** - The advance notice of arrival required in the
36 preceding section shall specify the following:

- 37 (a) Type of vessel and registration marks;

- 1 (b) Visaed crewlist;
- 2 (c) Passenger manifest;
- 3 (d) Port of last departure;
- 4 (e) International port of intended destination, or other place authorized by the
- 5 Commissioner;
- 6 (f) Estimated time of arrival; and
- 7 (g) Authorized agent or representative at the place of arrival.

8
9 **CHAPTER 3**
10 **FOREIGN CREWMEMBER**

11 **SEC. 71. Conditional Permit to Disembark.** - A foreign crewmember of a vessel under
12 Section 33(c) of this Act may be granted a conditional permit, in a form prescribed by
13 regulations, to disembark temporarily from the vessel on which he/ she arrived while such vessel
14 remains in port under such terms and conditions as may be prescribed by the Commissioner.

15 **SEC. 72. Confiscation and Cancellation of Permit; Deportation from the Philippines.**
16 - Upon the determination that the foreigner is not a *Bona fide* crewmember or does not intend to
17 depart on the vessel that brought him, the Commissioner shall cancel and confiscate the
18 conditional permit already issued, take such foreigner into custody, and require the owner,
19 operator, captain, master, pilot, agent or consignee of the vessel on which the foreigner arrived to
20 receive and detain him/her on board. The expenses for his/her removal, including the cost of
21 detention and other expenses incidental thereto, shall be borne by the owner, operator, captain,
22 master, pilot, agent or consignee of such vessel.

23 **SEC. 73. Liability for Overstaying Foreign Crewmen.** - A foreign crewmember who
24 remains in the Philippines in excess of the period allowed in the conditional permit issued to him
25 shall be solidarity liable with the owner, operator, captain, master, pilot, agent or consignee of
26 the vessel to pay the penalties prescribed in Section 126 of this Act.

27 **SEC. 74. Liability for Unauthorized Discharge of Foreign Crewmember.** - It may be
28 prescribed under this Act. No such vessel shall be granted clearance from any port in the
29 Philippines while such fines remain unpaid or while the validity thereof is being determined:
30 Provided, That a clearance may be granted prior to such determination upon deposit of a sum or
31 cash bond sufficient to cover such fines as approved by the Commissioner.

32 **SEC. 75. Duty to Report Desertion or Illegal Landing of Foreign Crewmember.** The
33 owner, operator, captain, master, pilot, agent or consignee of any vessel shall immediately report,
34 in writing, to the immigration officer all cases of desertion or illegal disembarkation in the
35 Philippines from the vessel, together with a description of such foreigners and any information
36 that shall result in their apprehension.

1 **SEC. 76. Requirement for Submission of List of Newly Employed, Discharged and**
2 **Illegally Landed Foreign Crewmember.** - Prior to the departure of any vessel from the last port
3 in the Philippines destined to any place outside thereof, the owner, operator, captain, master,
4 pilot, agent or consignee thereof shall deliver to the Immigration Officer at that port a list
5 containing: (a) the names of crewmembers who were not employed thereon at the time of the
6 vessel's arrival on such port but will depart thereat on the same vessel; (b) the names of those, if
7 any, who have been discharged; (c) the names of those who have deserted or illegally landed at
8 that port, if any; and (d) such other additional information as the Commissioner deems necessary.

9 **SEC. 77. Liability jar Failure to Submit Complete, True and Correct Report.** - In case
10 the owner, operator, captain, master, pilot, agent, or consignee, fails to submit a true and
11 complete list or report of foreigners, or to report cases of desertion or illegal landing, he/she shall
12 pay to the Commission such sum as may be prescribed under this Act. No such vessel shall be
13 granted clearance from any port in the Philippines while such fines remain unpaid or while the
14 validity thereof is being determined: *Provided*, that clearance may be granted prior to such
15 determination upon deposit of a sum or cash bond sufficient to cover such fines as approved by
16 the Commissioner.

17
18 **CHAPTER 4**
19 **EXCLUSIONS**

20 **SEC. 78. Exclusion Grounds.** -The following classes of foreign nationals shall
21 not be allowed entry and shall be excluded from the Philippines:

22 (a) Health Related Grounds.'

23 1. Those who are found to be suffering from a communicable, dangerous or
24 Contagious disease;

25 2. Those who are found to be suffering from mental disorder or associated
26 behavior that may pose threat to persons or danger to property;

27 3. Those who are found to be suffering from addiction to prohibited or regulated
28 substance;

29 (b) Economic Grounds

30 1. Those likely to become a public charge;

31 2. Those seeking entry for the purpose of performing skilled or unskilled labor, without
32 a permit from the Secretary of the Department of Labor and employment as required by law;

33 (c) Moral Grounds

34 1. Those coming to the Philippines to practice polygamy or who advocate the practice
35 of polygamy unless his/her religion allows such practices;

36 2. Those who are pedophiles, sexual perverts or those coming to the Philippines for
37 immoral purposes;

1 3. Those who are engaged or who seek to engage in prostitution or to procure or
2 attempt to procure prostitutes, or who receives in whole or in part the proceeds of
3 prostitution;

4 4. Those who, at the time of primary inspection, by the Immigration Officer
5 exhibit any obnoxious behavior, contempt or disrespect for the said officer or any
6 government official or Commission;

7 (d) Criminal and Security Grounds

8 1. Those who have been convicted of a crime involving moral turpitude or who admit
9 to the Immigration Officer having committed such crime, or who attempt and conspire to
10 commit the crime;

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

15 3. Those that the Philippine Government knows or has reason to believe is a
16 trafficker of any controlled, regulated, or prohibited substance or knows or has reason to
17 believe is or has been an accomplice, accessory, abettor, or co-conspirator in the illicit
18 trafficking of any controlled, regulated or prohibited substance;

19 4. Those who are fugitives from justice;

20 5. Those who seek to enter the Philippines to engage in:

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

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

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

27 d. Any other unlawful activity.

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

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

33 9. Those who are under fifteen (15) years of age and unaccompanied by or not coming
34 to a parent, except that they may be admitted in the discretion of the Commissioner, if
35 otherwise admissible; and

1 10. Those who have been identified by competent authorities, local and foreign, as
2 having engaged or are engaging in importation of contra bands and other prohibited
3 articles into the country.

4 **SEC. 7S-A. Minor Persons/ Minority.** - Persons under fifteen (15) years of age, and not
5 accompanied by or not coming to a parent, may be admitted: Provided, That the written consent
6 of either parent allowing them to travel is presented. The written consent must cite the purpose
7 of the travel and must be affirmed by the Philippine Consular post in the minor's country of
8 origin.

9 **SEC. 79. Temporary Detention of Excludable Foreigners.** - For the purpose of
10 ascertaining whether a foreigner arriving in the Philippines belongs to any of the excludable
11 classes of foreigners provided for in this Act or related laws, the Immigration Officer, for a
12 period not exceeding seventy-two (72) hours, may temporarily detain for investigation such
13 foreigner either on board the vessel or at a place designated for the purpose at the expense of the
14 master, captain, agent, owner or consignee of the carrying vessel.

15 **SEC. 80. Finality of Exclusion Order.** - An order by the Immigration Officer to exclude
16 a foreign national who is excludable under Section 78 hereof is final and executory unless
17 revoked by the Commissioner upon a timely appeal prior to the implementation of the exclusion
18 order.

19 **SEC. 81. Authority to Waive Grounds for Exclusion.** - Except for grounds of exclusion
20 under Section 78(d), subparagraphs 1 to 8 and subparagraph 9, the Commissioner may waive
21 any of the grounds for exclusion mentioned therein.

22 **SEC. 82. Procedure of Removal and Cost Thereof** - Any foreign national arriving in the
23 Philippines who is ordered excluded shall be immediately removed in the same arrived, unless
24 the Commissioner determines that immediate removal is not proper and practicable. The cost of
25 detention and other expenses incidental thereto shall be borne by the owner, operator, master,
26 pilot, captain, agent or consignee of the vessel on which he/ she arrived.

27 **SEC. 83. Country Where Removal is to be Directed.** - If the government of the country
28 designated in the preceding section will not accept the foreign national into its territory, his/her
29 removal shall be directed by the Commissioner in his/her discretion and without necessarily
30 giving preference, either to:

- 31 (a) The country which he/ she is a citizen or national;
32 (b) The country of birth;
33 (c) The country of his/her habitual residence; or
34 (d) The country willing to accept the foreign national into its territory, if removal to any
35 of the foregoing countries is impractical or impossible.

1 **SEC. 84. Obligation of Owner, Operator, Master, Captain, Pilot, Agent or Consignee. -**

2 It shall be unlawful for an owner, operator, master, captain, pilot, agent, or consignee of a vessel
3 to refuse or fail to:

- 4 (a) Board a foreigner ordered excluded and removed under Section 78 hereof in
5 the same vessel or another vessel owned or operated by the same company;
6 (b) Detain a foreign national on board any such vessel at the port of arrival when
7 required by this Act or when so ordered by an Immigration Officer;
8 (c) Deliver a foreign national' for medical or other examinations when so ordered by
9 such officer;
10 (d) Remove a foreign national from the Philippines to the country to which his / her
11 removal has been directed; or
12 (e) Pay the cost of detention and other expenses incidental thereto of a foreign national
13 incurred while being detained as required by Section 82 of this Act or other costs
14 necessary or incidental to his removal as provided in this Act.

15 **SEC. 85. Penalty for Non-compliance of Obligation. -** The owner, operator, master,
16 captain, pilot, agent, or consignee of a vessel who violated Section 84 hereof shall pay the fines
17 prescribed under this Act. No such vessel shall be granted clearance from any port in the
18 Philippines while such fines remain unpaid or while the validity thereof is being determined:
19 Provided, That clearance may be granted prior to such determination upon deposit of a sum or
20 cash bond sufficient to cover such fines as approved by the Commissioner.

21
22 **TITLE V**
23 **DEPORTATION**
24 **CHAPTER 1**

25 **SEC. 86. Classes of Deportable Foreigners. -** The following foreigners shall be arrested
26 upon the order of the Commissioner and deported upon recommendation by the Board of Special
27 Inquiry and approval by the Board:

- 28 (a) Those that entered the Philippines by means of false and misleading statements or
29 documents, misrepresentations or without inspection and admission by the immigration
30 authorities;
31 (b) Those that entered the Philippines who were not lawfully admissible at the time of
32 entry;
33 (c) Those who engage, abet or aid in the practice of prostitution including the owner,
34 manager or inmates of a house of prostitution or are procurers, pedophiles or sexual
35 perverts;
36 (d) Those who, at any time after the date of entry, have become a public charge;

- 1 (e) Those who remain in the Philippines in violation of any period of limitation or
2 condition under which they were admitted;
- 3 (f) Those who believe in, advise, advocate or teach the overthrowing by force and
4 violence of the Government of the Republic of the Philippines, or duly constituted
5 authority, or those who do not believe in or are opposed to organized governments, or
6 those who advise, advocate or teach the assault or assassination of public officials by
7 Reason of their office, or those who advise, advocate or teach the unlawful destruction of
8 property, or those who are members of or affiliated with any organization entertaining,
9 advocating or teaching such doctrines, or those who in any manner whatsoever extend
10 assistance, financial or otherwise, in the dissemination of such doctrines;
- 11 (g) Those who, at any time after entry, engage in, abet, aid or finance any terrorist
12 activity;
- 13 (h) Those who commit any violation of the provisions of this Act, independent of any
14 criminal action which may be brought against them: Provided, however, that in the case
15 of a foreigner who, for any reason, is convicted and sentenced to suffer both
16 imprisonment and deportation, said foreigner shall first serve the entire period of his/her
17 sentence before being deported: Provided, furtizer, That the penalty of imprisonment
18 may be waived by the President upon payment by the foreigner concerned of such costs,
19 fines and/ or damages, if any, awarded to the government or any aggrieved party;; (i)
20 Those who, at any time after entry, are engaged in acts or omissions punishable under
21 Philippine penal laws cognizable by the Regional Trial Courts and the Sandiganbayan;
- 22 (j) Those who, at any time after entry, are convicted by final judgment of a crime
23 punishable under Philippine penal laws cognizable by the first level courts; |
- 24 (k) Those who are guilty of any offense penalized under the naturalization laws of the
25 Philippines or any law relating to the acquisition of Philippine citizenship;
- 26 (l) Those who defraud their creditors by absconding or alienating properties to prevent
27 their attachment or execution;
- 28 (m) Those who were admitted as non-immigrants and who obtained an adjustment of
29 their admission status for convenience, or through fraud, falsification of documents,
30 misrepresentations or concealment of material facts;
- 31 (n) Those who violated Philippine labor and taxation laws, rules and regulations;
- 32 (o) Those who, upon prior investigation and hearing, are found to be undesirable and
33 whose further stay in the Philippines is inimical to public welfare and interest, or the
34 dignity of the Filipinos, or the Republic of the Philippines as a sovereign nation;
- 35 (p) Those who forge, counterfeit, alter or falsely make any document; or use,

1 attempt to use, possess, obtain, accept or receive or provide any forged, counterfeit,
2 altered or falsely made document; or use, attempt to use, provide, attempt to provide,
3 accept or receive a genuine document, even of another person, without authority to do
4 so for the purpose of satisfying or complying with the requirements for his/her stay in the
5 Philippines; and

6 (q) Those whose presence or activities in the country may result in adverse consequences
7 to Philippine foreign policies as determined by the Secretary of Foreign Affairs.

8 **SEC. 87. Non-Prescription of Deportation Cases.** - The right of the State to initiate at
9 any time deportation proceedings shall not prescribe: Provided that no deportation proceedings
10 and orders shall be had against foreigners facing preliminary investigation, prosecution and trial
11 before competent authorities.

12 13 CHAPTER 2

14 DETENTION AND DEPORTATION OF FOREIGN NATIONALS

15 **SEC. 88. Issuance of Summons.** - If the Commissioner determines that there exists a
16 reasonable ground to deport a foreigner pursuant to Section 86 of this Act, he/ she may issue
17 summons requiring the foreigner to appear in person before the designated investigating officer
18 at the time, date and place stated therein.

19 **SEC. 89. Authority to Issue Letter Order.** - The Commissioner may issue a letter order
20 for the detention of a foreigner if he/ she determines that a probable cause exists for the filing of
21 deportation charges against a foreigner for violation of immigration and other related laws, rules
22 and regulations or there is a strong probability that a deportable foreigner may flee from
23 his/her place of abode, go into hiding or surreptitiously leave the country.

24 **SEC. 90. Formal Charge of Deportation.** - A formal charge for deportation shall be
25 issued upon determination of the existence of a prima facie case against the foreigner. Pending
26 final determination of his/her deportation case, the foreigner shall, upon the discretion of the
27 Commissioner: (a) remain under detention; or (b) be released on bail or recognizance. The bail
28 may be revoked and confiscated in favor of the government if there is sufficient evidence that
29 the foreigner is evading the proceedings or is attempting to abscond, in which case he/she shall
30 be taken into custody and placed under detention by order of the Commissioner.

31 **SEC. 91. Detention of a Foreigner Convicted of a Felony or an Offense.** - After service
32 of his/her sentence or compliance with the conditions of his/her parole or probation, as the case
33 may be, the foreigner shall be taken into custody and placed under detention by order of the
34 Commissioner. Pending final determination of the deportation case, the foreigner may be ordered
35 released under such terms and conditions prescribed by the Commissioner.

36 **SEC. 92. Voluntary Deportation, When Authorized.** - In case the foreigner does not
37 contest the formal charge against him/her and opts to voluntarily leave the country at his/her own

1 expense, the Commissioner may waive the deportation proceedings and order the departure
2 within the period specified in the voluntary deportation order, except in cases of violations of
3 laws such as Republic Act No. 8042 otherwise known as the "Migrant Workers and Overseas
4 Filipinos Act of 1995": Provided, That he/she has not committed any criminal offense or has no
5 pending case in court: Provided, further, that the said foreigner so deported shall be barred from
6 re-entering the country without prior written authorization from the Commissioner.

7 **SEC. 93. Contents of an Order or Warrant of Deportation.** - The order or warrant of
8 deportation shall be in the form prescribed by the Commissioner and shall state the grounds
9 therefor, the specific place where the foreigner is to be deported and the period within which to
10 execute such order.

11 **SEC. 94. Period to Enforce Order of Deportation.** - The order of deportation shall be
12 enforced immediately but in no case shall exceed three (3) months from the date it has become
13 final and executory. If deportation is not enforced within the prescribed period for reasons
14 beyond the control of the Commissioner, the foreigner shall remain in custody.

15 **SEC. 95. Suspension of Deportation Order.** - Upon application and payment of the
16 prescribed fees by the concerned foreigner, the Commissioner may suspend the implementation
17 of the deportation order and order his/her release for good cause, taking into account the
18 following factors:

- 19 (a) Age, health, family or conduct;
- 20 (b) Period of detention;
- 21 (c) Impact on national security and public welfare;
- 22 (d) Unavailability of travel documents;
- 23 (e) Existence of an application for refugee status; or
- 24 (f) Other humanitarian considerations.

25 **SEC. 96. Reinstatement of a Deportation Order.** - A deportation order previously
26 implemented against a foreigner who unlawfully re-entered the Philippines shall be deemed
27 automatically reinstated and shall be implemented in accordance with this Act. This provision
28 shall also apply to a foreigner who departed voluntarily under Section 92 hereof.

29 **SEC. 97. Country of Destination of a Deportee.** - Except as provided for under existing
30 treaty or international agreement, a foreigner shall be deported to the country of which he/she is
31 a citizen or national, or to the country of his/her birth, or to the country of which he/ she is a
32 resident, or to the country from which he/ she embarked for the Philippines, subject to the
33 acceptance by the receiving country.

34 **SEC. 98. Existence of Danger in the Country Where a Foreigner is to be Deported.** -
35 No foreigner shall be deported to a country where there exists a danger to his/her life or freedom
36 on account of race, religion, nationality, political opinion or membership in a particular political
37 or social group, except in the following circumstances:

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

4 (b) The foreigner is a fugitive from justice in the country where he/she is to be deported;

5 (c) The foreigner committed a serious non-political crime in the country where he/she is
6 to be deported; or

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

9 **SEC. 99. Cost of Deportation.** - The cost of deportation shall be borne by the owner,
10 operator, captain, master, pilot, agent or consignee of a vessel in case its foreign crewmember is
11 to be deported for violation of Section 100 of this Act. In all other cases, the Cost of deportation
12 shall be borne by the deportee himself/herself, the concerned consular office, nongovernment
13 organizations or people's organizations with which the Commission has an agreement on this
14 matter, or from the appropriations for the enforcement of this Act.

15 **SEC. 100. Liability of Owner, Operator, Captain, Master, Pilot, Agent or Consignee**
16 **of a Vessel.** - Failure or refusal on the part of the owner, operator, captain, master, pilot, agent or
17 consignee of a vessel to take on board, guard safely and transport the deportee to his/her country
18 of destination, or to shoulder the cost of deportation of the foreign crew member as provided in
19 Section 99 hereof, shall be punished by an administrative penalty prescribed under this Act.

20 **SEC. 101. Expenses of Accompanying Person.** - The Commissioner may, by reason of
21 the mental or physical condition of the deportee, direct an employee of the Commission to
22 accompany such deportee to the country of his/her destination, subject to the provisions of the
23 immediately preceding sections.

24 25 CHAPTER 3

26 INDIGENT FOREIGNERS

27 **SEC. 102. Deportation of Indigent Foreigners.** - At any time after entry, the
28 Commissioner may deport indigent foreigners from the Philippines to the country of which they
29 are citizens or nationals, or country of birth, or country of residence, as the case may be. The cost
30 of deportation may be charged against the available funds of the Commission. Any foreigner
31 deported under this section shall be barred re-admission except upon written authorization of the
32 Commissioner.

33 This provision shall not apply to a foreigner declared as an indigent by any Philippine
34 court for purposes of filing a case or to pursue a cause of action which resulted in his/her
35 indigency until such action is resolved with finality: *Provided*, that no other grounds for
36 deportation exist during the pendency of the same.

37

1 TITLE VI
2 MISCELLANEOUS PROVISIONS
3 CHAPTER 1

4 REGISTRATION OF FOREIGN NATIONALS

5 **SEC. 103. Requirement of Registration.** - A temporary foreign visitor must register with
6 the Commission or any Immigration Office nearest his/her place of residence on or before the
7 sixtieth (60th) day of his/her arrival in the Philippines.

8 **SEC. 104. Registration Form and Oath.** - Applications for registration shall be under
9 oath and in such form as prescribed by the Commission. Upon registration, a certificate of
10 registration shall be issued by the Commission to the registrant. In case of loss or destruction of
11 the certificate, a replacement thereof may be issued by the Commission upon proper application
12 and payment of prescribed fees.

13 **SEC. 105. Amendment of Registration.** - A registered foreign national shall notify the
14 Commission in writing of any change of information in his/her registration documents not later
15 than seven (7) days thereof.

16 **SEC. 106. Presentation of Certificate of Registration.** Every foreigner required to
17 register under this Act or the parent or guardian of such foreigner shall, upon demand of any
18 authorized immigration official, present his/her certificate of registration, and failure to do so
19 without justifiable cause shall be dealt with in accordance with the provisions of this Act.

20 **SEC. 107. Reportorial Requirements.** - Every foreigner registered under this Act shall,
21 within the first sixty (60) days of every calendar year, report in person to the Commission
22 subject to the payment of prescribed fees. The parent or legal guardian of foreigners below
23 fourteen (14) years of age shall have the duty to comply with the requirements prescribed under
24 this Act.

25 **SEC. 108. Failure to Comply with Requirements.** - A foreigner, or his/her parent or
26 guardian, as the case may be, who, without justifiable reason, fails to comply with all the
27 requirements under this Act, or who files an application for registration containing statements
28 known by him/her to be false, or who utilizes registration documents other than his/her own,
29 shall be dealt with in accordance with the provisions of this Act and other existing laws.

30 **SEC. 109. Cancellation of Registration of Foreign National.** - In case of death of a
31 foreigner registered under the provisions of this Act, his/her legal heir, representative or
32 administrator must inform the Commission within sixty (60) days from death and the
33 Commission shall cancel such registration. The Local Civil Registrar or other civil registry
34 officer of the locality where said foreigner died shall furnish the Commission with a copy of the
35 Certificate of Death within thirty (30) days from issuance thereof. Failure on the part of the
36 persons concerned to comply with the requirements of this section shall be dealt with pursuant to
37 the provisions of this Act.

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CHAPTER 2

BONDS AND DEPOSITS

SEC. 110. Bonds, When Required. - The Commission shall have the authority to require cash bonds in such amounts and under such conditions as it may prescribe:

- (a) To control and regulate the admission into, and departure from, the Philippines of foreigners applying for temporary admission;
- (b) To insure against foreign passengers liable to be excluded as likely to become public Charges; and
- (c) To insure the appearance of foreigners released from custody during the course of deportation proceedings instituted against them.

SEC 111. Requirement of Cash Deposits for Overtime Services. - The Commission shall likewise have the authority to require cash deposits in such amounts as may be necessary from vessel's owner, operator, captain, master, pilot, agent, or consignee or other persons served to. cover payments for overtime services to be performed by officers and employees of the Commission.

SEC 112. Cancellation and Forfeiture of Bonds. - When the conditions of the bond are fulfilled, or in case of a bond posted to insure against a foreigner becoming a public charge, when the Commissioner decides that the likelihood no longer exists, or death of the foreigner in whose behalf the bond is posted, the bond shall be cancelled and released to the depositor or his/her legal representative. In case of violation of the conditions of the bond, the same shall be forfeited and deposited in a trust fund account which may be utilized for the purchase of passage tickets of indigent deportees and to cover the costs of operations in the arrest of a deportee who jumps bail.

CHAPTER 3

RECOGNIZANCE

SEC 113. Petitions for Recognizance, Sanction for Breach of Conditions. -The Commissioner may order the release of a foreigner upon recognizance of his/her lawyer or a person who is of good standing in the community, under such terms and conditions as he/ she may prescribe. Failure to comply with the terms and conditions of the recognizance shall subject said lawyer or person to a fine of not less than Fifty thousand pesos (P50,000.00) but not more than One hundred thousand pesos(P100,000.00), without prejudice to other administrative sanctions and/ or proceedings against the erring party.

CHAPTER 4

COOPERATION AND COORDINATION WITH OTHER OFFICES

1 **Communicable or Contagious Disease, or Suffering from Mental Disorder.** - The pilot, master,
2 agent, owner or consignee of the vessel arriving at a port in the Philippines from a place outside
3 thereof bringing on board an undocumented foreigner shall be fined One hundred thousand pesos
4 (P100,000.00) for each foreigner. If the foreigner is afflicted with a communicable or
5 contagious disease or is suffering from mental disorder, the fine shall be not less than Two
6 hundred thousand pesos (P200,000.00) but not more than Three hundred thousand pesos
7 (P300,000.00) for each foreigner.

8 **SEC. 122. Fine for Bringing a Foreigner to Assist His Illegal Entry or**
9 **Misrepresenting a Foreigner as a Member of the Crew.** - The pilot, master, agent, Owner or
10 consignee of the vessel arriving at any port in the Philippines from a place outside thereof
11 bringing on board a foreigner bound for the Philippines to assist his/her illegal entry, or
12 misrepresenting the foreigner to the immigration officer at the port of arrival as a bona fide
13 member of the crew, shall be fined not less than One hundred thousand pesos (P100,000.00)
14 but not more than Two hundred thousand pesos (P200,000.00) for each foreigner.

15 **SEC. 123, Fine for Violation of Other Provisions of this Act.** - The pilot, master, agent,
16 owner or consignee of any vessel arriving at any port of the Philippines from a place outside
17 thereof who violates any other provision of this Act not specifically provided in this Chapter
18 shall be fined not less than Fifty thousand pesos (P50, 000.00) but not more than Two hundred
19 thousand pesos (P200,000.00) for each violation.

21 CHAPTER 7

22 OTHER PENAL PROVISIONS

23 **SEC. 124, Other Prohibited Acts and Penalties Thereof** - Any person who shall commit
24 any of the acts specified hereunder shall, upon conviction, suffer the penalty of prison
25 correctional in its maximum period to prison mayor in its minimum period or a fine of not less
26 than One hundred thousand pesos (P100, 000.00) but not more than Five hundred thousand
27 pesos (P500, 000.00) or both, at the discretion of the court:

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

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

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

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

1 (e) Misrepresents himself/herself to be a Philippine citizen;

2 (f) Knowingly makes under oath any false statement regarding any immigration
3 matter; or

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

8 Where the offender of any acts specified in paragraph (g) of this section is a corporation,
9 company, partnership or other juridical entity, the president, general manager, managing partner,
10 or chief executive officer thereof shall be held liable. Dismissal of the employee by the employer
11 before or after apprehension shall not relieve such employer from any liability arising from the
12 offense: Provided, That if the offender is the pilot, master, agent, owner, consignee, or other
13 person in charge of the vessel which brought the foreigner into the Philippines from any place
14 outside thereof, the fine imposed under this section shall constitute a lien against the vessel
15 which may be enforced in the same manner as fines are collected and enforced under existing
16 laws. Such vessel shall not be allowed to depart without prior clearance issued by the
17 Commission. Where forfeiture is justified under the particular circumstances of the case, the
18 forfeiture of the vessel in favor of the government in lieu of the fine shall be decreed.

19 Conviction by final judgment of any offense punishable under this Act or other related
20 laws shall result in the automatic revocation or cancellation of any immigration document issued
21 to the offender, including that of his/her spouse and unmarried children, if applicable.

22 **SEC. 125. Penalty for Non-compliance of Subpoena.** - Any person who, having been
23 duly served with a subpoena, fails to comply without valid and justifiable reasons shall, upon
24 conviction, suffer the penalty of imprisonment of not more than fifteen (15) days or a fine of not
25 more than One thousand pesos (P1,000.00), or both, at the discretion of the court.

26 **SEC 126. Penalty for an Overstaying Crewmember.** - Any foreign crewmember who
27 wilfully remains in the Philippines beyond the period allowed him/her for temporary landing
28 shall, upon conviction, suffer the penalty of imprisonment of six (6) months or fine of not less
29 than Fifty thousand pesos (P50,000.00) but not more than One hundred thousand pesos
30 (P100,000.00), or both, at the discretion of the court.

31 **SEC 127. Imposition of Maximum Penalty, When Applicable.** - A person convicted
32 under Republic Act No. 3019, as amended, otherwise known as the "Anti-Graft and corrupt
33 Practices Act", or other laws against corruption and bribery who shall violate or circumvent any
34 provisions of this Act shall, upon conviction, suffer the maximum penalty for such offense as
35 provided under this Act.

1 **CHAPTERS 8**

2 **FUNDING**

3 **SEC 128. Funding.** - In addition to its annual budget under the General Appropriations
4 Act, the Commission is hereby authorized to retain and use fifty percent (50%) of its income
5 derived from collection of immigration fees, fines, penalties and charges to pay hazard pay,
6 subsistence allowance and other monetary benefits at rates fixed by the Commissioner and for
7 maintenance and other operating expenses, intelligence and law enforcement, information and
8 communication technology infrastructure, transportation facilities and other capital outlay
9 expenditures. The Commission is likewise hereby authorized to retain and use its income in
10 excess of the prescribed collection target.
11

12 **CHAPTER 9**

13 **SEC 129. Staffing Pattern and Salary Schedule.** - To carry out the provisions of this
14 Act, the Commissioner shall submit a new staffing pattern and salary schedule for personnel
15 services to the Secretary of the Department of Budget and Management for approval, which shall
16 be in accordance with the Salary Standardization Law and other applicable laws under the
17 National Compensation and Classification Plan.

18 **SEC. 130. Reorganization of the Commission.** - Upon approval of this Act, all
19 employees of the Bureau of Immigration covered by the civil service law and regulations
20 shall continue to hold their present positions pending the reorganization of the
21 Commission in accordance with the new staffing pattern: Provided, That the salaries, wages,
22 allowances and other benefits of incumbent officers and employees of the Commission shall not
23 be subject to diminution: Provided, further, That in the event that the positions are abolished
24 in accordance with the reorganization, the affected employees shall be retained. Provided,
25 finally, That employees who have been dismissed for cause shall no longer qualify for any
26 position in the Commission.

27 **SEC. 131. Inventory and Transfer of Properties, Accounts, Assets, Liabilities and**
28 **Obligations to the Commission.** - All buildings, properties, equipment, facilities, accounts,
29 other assets, liabilities and other obligations as well as records of the Bureau of Immigration
30 shall be properly inventoried and transferred to the Commission.

31 **SEC. 132. Treaty or Agreement.** - Any treaty or agreement entered into between the
32 Philippines and any foreign state before the effectivity of this Act shall remain in force and
33 effect.

34 **SEC. 133. Pending Cases.** - Any prosecution, suit, action, proceeding, or any act or matter,
35 civil or criminal, pending at the time of the effectivity of this Act shall not be affected by the
36 provision of this Act unless otherwise applicable.
37

1
2 **CHAPTER 10**

3 **ADMINISTRATION AND IMPLEMENTATION**

4 **SEC. 134. Administration and Implementation Abroad.** - The administration and
5 implementation of this Act abroad, including the rules and regulations as well as policies arising
6 from it shall be the responsibility of the Department of Foreign Affairs through Philippine
7 diplomatic and consular establishments.

8 **SEC 135. Implementing Rules and Regulations.** - The Commission, upon consultation
9 with the Department of Foreign Affairs and other concerned government agencies or offices and
10 subject to the approval by the Secretary, shall promulgate the rules and regulations for the
11 implementation of this Act within one hundred twenty (120) days from its affectivity.
12

13 **CHAPTER 11**

14 **FINAL PROVISIONS**

15 **SEC 136. Separability Clause.** - If any of the provisions of this Act is held invalid or
16 unconstitutional the other provisions not affected thereby shall continue to be in force and effect.

17 **SEC 137. Repealing Clauses.** - (a) Commonwealth Act No. 613, otherwise known as the
18 Philippine Immigration Act of 1940, as amended, is hereby repealed; (b) All laws, presidential
19 decrees, executive orders, proclamations, memorandum orders, instructions, rules and
20 regulations or parts thereof inconsistent with this Act are hereby amended or modified
21 accordingly.

22 **SEC 138. Effectivity Clause.** - This Act shall take effect fifteen (15) days after its
23 complete publication in the Official Gazette or in two (2) newspapers of general
24 circulation.

Approved,