

'18 JUN 20 P 2 :26

SENATE

S. NO. 1854

RECEIVED

Introduced by **SENATOR LEILA M. DE LIMA**

**AN ACT
PROTECTING THE RIGHTS OF REFUGEES AND
STATELESS PERSONS, ESTABLISHING THE REFUGEES AND
STATELESS PERSONS PROTECTION BOARD,
AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Refugees are a global phenomenon. In different parts of the world, large groups of people are forced to leave their home countries because of war, armed conflicts, and persecution. They are in search of safer places.

Throughout the history of refugees, one such place that was always considered as a safe haven is the Philippines. For almost a century now, we have hosted several waves of refugees, starting with the “White Russians” who fled Russia during the Bolshevik Revolution, followed by other groups that included the Jews during World War II, the Chinese in the aftermath of the Communist revolution, and the Vietnamese “boat people” after South Vietnam was taken over by North Vietnam. After initially landing in the Philippines, many among them moved on and relocated to other countries, while others have opted to stay and live in the Philippines. In all instances, we have always provided them safe haven, ever true to our nature as a warm and hospitable people.¹

The Philippine government has passed and implemented policies addressing some of the challenges posed by the global refugee phenomenon and that of a related class of distressed people, the “stateless persons.”

¹ Peñamante, Laurice. *Nine Waves of Refugees in the Philippines*. UNCHR Philippines (7 June 2017). Retrieved from <http://www.unhcr.org/ph/11886-9wavesrefugees.html>

The Philippines is a party to the 1951 UN Convention relating to the Status of Refugees, the 1967 Protocol, and the 1954 UN Convention relating to the Status of Stateless Persons. The Philippine Immigration Act of 1940 and the Administrative Code of the Philippines of 1987 empowered the Bureau of Immigration to administer and enforce “immigration, citizenship and alien admission and registration laws”. Under Executive Order No. 304, dated 31 August 1987, President Corazon Aquino authorized the Task Force on Refugee Assistance and Administration, and the Department of Foreign Affairs to respectively issue identity papers and travel documents to refugees and stateless persons staying in the Philippines. Under DOJ Circular No. 58, Series of 2012, as then Secretary of the Department of Justice, I set up the Refugees and Stateless Persons Protection Unit (RSPPU) in the Legal Staff of the DOJ.²

Despite these, the Philippines still does not have a law that sets the criteria and fixes the procedure in determining the status of refugees and stateless persons, and their eligibility for protection in our country. There is no central authority on all matters pertaining to such status determination. In our consultations with experts, academic institutions, and human rights organizations, and in our own study of the current legal and administrative systems, we have concluded that there is a need to enact a law to establish that central authority and institutionalize the status determination procedure for refugees and stateless persons.

This bill aims to fill that gap. It has a four-fold objective, thus:

- (a) To strengthen and promote the rights of refugees and stateless persons in the Philippines;
- (b) To create the Refugees and Stateless Persons Protection Board (“Protection Board”) as the central authority in matters relating to the determination of status, and eligibility to avail of protection, as refugees and stateless persons;
- (c) To prescribe a fair and efficient procedure for status determination and eligibility for protection as a refugee or stateless person; and

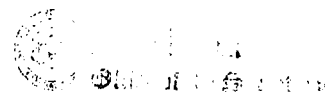
² Cañero, Zebadiah. *TIMELINE: Philippine Laws and Policies on refugees*. Rappler (20 June 2015). Retrieved from <https://www.rappler.com/newsbreak/iq/96929-timeline-philippine-law-policies-refugees>

- (d) To strengthen the government's cooperation and coordination with the United Nations High Commissioner for Refugees (UNHCR), the Commission on Human Rights (CHR) and other relevant institutions and agencies.

In the past, we have promulgated laws pursuant to our treaty commitments and undertakings. We passed Republic Act No. 9745, or the "Anti-Torture Act of 2009", mindful of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT). We enacted Republic No. 10353, or the "Anti-Enforced or Involuntary Disappearance Act of 2012", cognizant of the International Covenant on Civil and Political Rights (ICCPR). We legislated Republic Act No. 9851 or the "Philippine Act on Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity", pursuant to the Geneva Convention and the Rome Statute.

In light of all these, it is high time that we pass a national law for the full protection and promotion of refugees and stateless persons in the Philippines, as enshrined in the 1951 UN Convention related to the Status of Refugees, and the 1954 UN Convention related to the Status of Stateless Persons. After all, when the 1987 Constitution guarantees that the "[t]he State values the dignity of every human person and guarantees full respect for human rights..." that same assurance of protection should likewise be available to refugees and stateless persons.


LEILA M. DE LIMA



'18 JUN 20 P2:26

SENATE

S. NO. 1854

RECORDED _____ *J*

Introduced by **SENATOR LEILA M. DE LIMA**

**AN ACT
PROTECTING THE RIGHTS OF REFUGEES AND
STATELESS PERSONS, ESTABLISHING THE REFUGEES AND
STATELESS PERSONS PROTECTION BOARD,
AND FOR OTHER PURPOSES**

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

1 Section 1. **Short Title.** – This Act shall be known as the “*Refugees and*
2 *Stateless Persons Protection Act of 2018*”.

3
4 **Sec. 2. Declaration of Principles and State Policies.** –

5 (a) The State values the dignity of every human person and guarantees full
6 respect for human rights, including those of refugees and stateless persons.

7 (b) The Philippines adopts the generally accepted principles of international
8 law as part of the law of the land, and adheres to a policy of peace, equality,
9 justice, freedom, cooperation and amity with all nations.

10 (c) The Philippines affirms its commitment as State Party to the 1951
11 Convention relating to the Status of Refugees (“1951 UN Convention”), the
12 1967 Protocol relating to the Status of Refugees (“1967 Protocol”), and the
13 1954 Convention relating to the Status of Stateless Persons (“1954 UN
14 Convention”).

15 (d) The Philippines shall endeavor to establish and implement a system that
16 shall provide for the admission, for humanitarian reasons, of qualified

1 aliens and stateless persons, with due consideration to public and national
2 interest.

3 (e) The State shall, as far as possible, facilitate the assimilation and
4 naturalization of refugees. It shall make every effort to expedite
5 naturalization proceedings and to reduce, as far as possible, the charges and
6 costs of such proceedings.

7 (f) The State shall endeavor to protect refugees and stateless persons, pursuant
8 to its obligations as State Party to the 1951 Convention, the 1967 Protocol,
9 and the 1954 Convention.

10
11 Sec. 3. **Objectives.** – This Act seeks to fulfill the following objectives:

12 (a) To recognize, strengthen and promote the rights of refugees and stateless
13 persons in the Philippines;

14 (b) To establish the Refugees and Stateless Persons Protection Board
15 (“Protection Board”) as the central authority in matters relating to the
16 determination of status, and eligibility to avail of protection, as refugees
17 and stateless persons;

18 (c) To prescribe the procedure and establish a set of criteria for the
19 determination whether a person is a refugee or stateless person; and

20 (d) To strengthen the Philippine government’s cooperation with the United
21 Nations High Commissioner for Refugees (UNHCR), and the facilitation
22 of its duty of supervising the application of the provisions of the United
23 Nations (UN) Conventions and the Protocol.

24
25 **CHAPTER II**

26 **DEFINITION OF TERMS**

27 Sec. 4. **Definition of terms.** – For purposes of this Act, the following terms
28 are hereby defined:

29 (a) “1951 UN Convention” refers to the 1951 United Nations Convention relating
30 to the Status of Refugees;

31 (b) “1967 Protocol” refers to the 1967 Protocol relating to the Status of Refugees;

32 (c) “1954 UN Convention” refers to the 1954 Protocol relating to the Status of
33 Stateless Persons;

- 1 (d) "Application" refers to the formal written claim to a refugee or stateless
2 status, as the case may be, and initiates the status determination procedure;
- 3 (e) "Applicant" refers to a person who has submitted the Application, or in the
4 case of a child or incapacitated person, the person on whose behalf the
5 application was submitted;
- 6 (f) "Bureau" refers to the Bureau of Immigration;
- 7 (g) "Children" refer to persons below eighteen (18) years of age or those over
8 but are unable to fully take care of themselves or protect themselves from
9 abuse, neglect, cruelty, exploitation or discrimination because of a physical
10 or mental disability or condition;
- 11 (h) "Commissioner" refers to the Commissioner of the Bureau of Immigration;
- 12 (i) "Dependent" includes persons with disabilities and persons at least 60 years
13 old unable to fully take care of themselves, related within the fourth degree
14 by consanguinity or affinity to the Applicant;
- 15 (j) "DFA" refers to the Department of Foreign Affairs;
- 16 (k) "Exclusion" refers to any of the circumstances warranting disqualification
17 from recognition as a Refugee under the 1951 UN Convention, or a Stateless
18 Person under the 1954 UN Convention;
- 19 (l) "Family Members" refer to the spouse and children who accompany the
20 Applicant. The term also includes any person who is a dependent of the
21 Applicant;
- 22 (m) "Protection Board" refers to the Refugees and Stateless Persons
23 Protection Board;
- 24 (n) "Protection Officer" is a technical staff of the Secretariat of the Protection
25 Board, who evaluates and processes the claim of the Applicant to refugee or
26 stateless status and their eligibility for protection;
- 27 (o) "Refugee" is a person who "owing to well-founded fear of being persecuted
28 for reasons of race, religion, nationality, membership of a particular social
29 group or political opinion, is outside the country of his or her nationality
30 and is unable or, owing to such fear, is unwilling to avail himself or herself
31 of the protection of that country; or who, not having a nationality and being
32 outside the country of his or her former habitual residence, is unable, or
33 owing to such fear, is unwilling to return to it";
- 34 (p) "Secretary" refers to the Secretary of the Department of Justice;

1 (q) "Stateless Person" is one "who is not considered a national by any State
2 under the operation of its law";

3 (r) "UNHCR" refers to the United Nations High Commissioner for Refugees.
4

5 CHAPTER III

6 STATE RESPONSIBILITY AND RIGHTS AND OBLIGATIONS

7 OF REFUGEES AND STATELESS PERSONS

8 Sec. 5. **State Responsibility.** – The State has the following obligations:

9 (a) The State shall not remove or expel a refugee, save on grounds of national
10 security or public order, from the Philippines to a country where he or she
11 would be at risk of persecution for reasons of race, religion, nationality,
12 membership in a particular social group or political opinion; and

13 (b) The State shall not impose penalties on refugees who enter Philippine
14 territory albeit illegally, when they come from a territory where their life or
15 freedom was threatened, provided they present themselves without
16 unreasonable delay to the authorities and show good cause for their illegal entry
17 or presence. No undue restriction on movement or travel shall be imposed other
18 than those which are necessary and such restrictions shall only be applied until
19 their status in the country is regularized or they obtain admission into another
20 country. Reasonable time shall be allowed for such refugees to obtain admission
21 into another country if they so decide for such an option.
22

23 Sec. 6. **Rights of Refugees.** – The following rights of refugees under the 1951
24 UN Convention and the 1967 Protocol are hereby adopted:

25 (a) The right not to be returned (*non-refoulement*) to a country where he or she
26 faces serious threats to his or her life or freedom;

27 (b) The right to practice their religion and freedom as regards the religious
28 education of their children;

29 (c) The right of recognition as regards their personal status, which shall
30 continue to be governed by the country of his or her domicile or residence.
31 Rights relating to marriage and family relations shall be respected in the

1 Philippines provided said rights are recognized under the laws of the
2 country of origin;

- 3 (d) The right to acquire personal properties, and/or enter into lease agreements
4 or contracts relating to personal or real property;
- 5 (e) The right for the recognition and respect of the property rights of refugees
6 pertaining to inventions, designs, models, trademarks, trade names and
7 rights in literary, artistic, and scientific works;
- 8 (f) The right to be members of non-political and non-profit making
9 associations. Non-political shall include organizations working on human
10 rights and humanitarian assistance;
- 11 (g) The right of access to legal remedies in courts and quasi-judicial bodies,
12 including legal assistance from law enforcement, administrative and
13 constitutional bodies;
- 14 (h) The right to engage in self-employment as well as wage-employment,
15 subject to labor restrictions to protect national labor market;
- 16 (i) The right to adequate standard of living, housing and medical needs, and be
17 provided with subsistence support not less than what is extended to indigent
18 Filipinos;
- 19 (j) The right of children to be enrolled in schools and when applicable, access
20 to university scholarships in State institutions.

21 Aside from the foregoing rights under the 1951 UN Convention, refugees have
22 the right to be treated equally with other non-nationals, and in conformance with
23 internationally recognized legal standards.

24

25 **Sec. 7. *Rights of Stateless Persons.*** – The following rights of stateless
26 persons under the 1954 UN Convention are hereby adopted:

- 27 (a) The right to be accorded the same treatment given to aliens generally;
- 28 (b) The right not to be forcibly removed from the Philippine territory;
- 29 (c) The right to personal status to be governed by the law of his or her domicile
30 ahead of the law or his or her residence;
- 31 (d) The right to property, including intellectual property rights, to be no less
32 than that accorded to aliens generally;

- 1 (e) The right to be treated at least favorably as aliens generally with regard to
2 participation in wage-earning employment;
- 3 (f) The right to be issued travel and identity documents within the Philippine
4 territory;
- 5 (g) The right not to be expelled except on ground of national security or public
6 order;
- 7 (h) The right to be members of non-political and non-profit making
8 associations. Non-political shall include organizations working on human
9 rights;
- 10 (i) The right of access to legal remedies in courts and quasi-judicial bodies,
11 including legal assistance from law enforcement, administrative and
12 constitutional bodies;
- 13 (j) The right to adequate standard of living, food, housing and medical needs,
14 and be provided with subsistence support not less than what is extended to
15 indigent Filipinos; and
- 16 (k) The right of children to quality education and lifelong learning for adults.
- 17

18 **Sec. 8. *Obligations of Refugees and Stateless Persons.***— Refugees and
19 stateless persons have the obligation to abide by the laws and regulations of the
20 Republic of the Philippines, as well as the measures for the maintenance of public
21 order and national security. Their manifest willingness to abide by this obligation shall
22 be a non-waivable condition for their admission and continued stay within Philippine
23 territory.

24

25 CHAPTER IV

26 REFUGEE AND STATELESS PERSONS PROTECTION BOARD

27 **Sec. 9. *Refugees and Stateless Persons Protection Board.*** – There is
28 hereby created the Refugees and Stateless Persons Protection Board (“Protection
29 Board”) as the central authority in matters relating to the determination of the status
30 of refugees and stateless persons and their eligibility for protection. Accordingly, the
31 Bureau of Immigration’s principal responsibility “for the administration and
32 enforcement of immigration, citizenship and alien admission and registration laws”,
33 under the Philippine Immigration Act of 1940 (Commonwealth Act No. 613, as

1 amended) and the Administrative Code of the Philippines of 1987 (Executive Order
2 No. 292), in so far as it relates to the determination of the status of refugees and
3 stateless persons and their eligibility for protection, is hereby modified and transferred
4 to the Protection Board. Likewise, the Refugees and Stateless Protection Unit (RSPPU)
5 in the Legal Staff of the Department of Justice is hereby abolished, and its duties and
6 responsibilities are transferred to, and assumed by the Protection Board.

7
8 **Sec. 10. *Composition of the Protection Board.*** – The Protection Board
9 shall be composed of the Secretary of the Department of Justice (“Secretary”), or
10 his/her representative with a rank of at least Assistant Secretary, as *ex officio*
11 Chairperson; the Secretary of the Department of Foreign Affairs, or his/her
12 representative with a rank of at least Assistant Secretary, as *ex officio* Vice Chair; the
13 Commissioner of the Bureau of Immigration (“Commissioner”); the National Security
14 Adviser, or the latter two (2) officials’ representatives with a rank of at least Director,
15 as *ex officio* members; and four (4) other members to be appointed by the President
16 for a non-renewable term of five (5) years, *Provided*, that there shall be appointed
17 three (3) lawyers who shall at least have the qualification of a regional trial court judge,
18 *Provided further*, that all four (4) appointees shall have relevant training and
19 experience in either areas of human rights, immigration, social work, or refugee
20 protection.

21
22 **Sec. 11. *Powers and Functions of the Protection Board.*** – The Board
23 shall have the following powers and functions:

- 24 (a) To prescribe rules and regulations as it may deem reasonably necessary to
25 carry out the provisions of this Act;
- 26 (b) To receive, examine and decide applications for status as refugee or stateless
27 persons, and resolve requests for provisional protective measures related to
28 pending applications;
- 29 (c) To set the guidelines for the operations of the Secretariat, which shall be
30 under the control and direct supervision of the Board;
- 31 (d) To promote programs related to the protection of refugees and stateless
32 persons;

1 (e) To closely coordinate and cooperate with the UNHCR, particularly by
2 facilitating the latter's duty of supervising the application of the provisions
3 of the 1951 UN Convention and the 1954 UN Convention.

4 (f) To make reports to the competent organs of the UN, including the UNHCR,
5 in the appropriate form with information and statistical data requested
6 concerning:

7 i. the condition of refugees and stateless persons;

8 ii. the implementation of the 1951 UN Convention and the 1954 UN
9 Convention; and

10 iii. laws, regulations and decrees which are, or may hereafter, in force
11 relating to refugees and stateless persons.

12 (g) To perform such other functions on matters relating to its mandate, as may
13 be determined by the President.

14
15 **Sec. 12. *Relationship with the Department of Justice.*** – The Protection
16 Board shall be attached to the Department of Justice for coordination of its policies
17 and programs.

18
19 **Sec. 13. *Secretariat.*** – The Protection Board shall be assisted by a Secretariat,
20 which may come from the existing personnel of the Refugees and Stateless Persons
21 Protection Unit (RSSPU) in the Legal Staff of the Department of Justice, without
22 prejudice to the hiring of additional personnel as determined by the Board.

23 The following shall be the functions of the Secretariat:

24 (a) Receive, evaluate, and process applications;

25 (b) Recommend to the Protection Board the approval or disapproval of
26 applications;

27 (c) Assist the Protection Board in technical functions; and

28 (d) Perform other duties that may be assigned by the Board.

29 The Chairperson of the Protection Board shall appoint a Board Secretary, who
30 shall head the Secretariat. There shall be such number of technical and administrative
31 staff, including legal officers and paralegals, as determined by the Protection Board to
32 accommodate the volume of required work.

1 Sec. 14. *Operating Budget.* – The initial operating budget of the Protection
2 Board shall be Ten million pesos (Php 10,000,000). Thereafter, such sums as may be
3 necessary for its continued operation shall be included in the annual General
4 Appropriations Act.

6 **CHAPTER V**

7 **PROCEDURE**

8 Sec. 15. *Application.* – The Application may be filed directly with the
9 Protection Board, or in the central office or any field office of the Bureau in the port
10 of entry/admission of the Applicant. In the latter case, the Commissioner or the
11 concerned immigration officer shall transmit the application to the Protection Board
12 within ten (10) days from the date of receipt thereof. To be submitted with the
13 application are the Applicant's travel document, identification document including
14 proof of relationship to any accompanying family members, and such other
15 documents to support the claim to refugee or stateless status, where available.

16
17 Sec. 16. *Suspensive Effect of the Application.* – The Protection Board,
18 through the Board Secretary, shall notify the Commissioner of the receipt of the
19 application. Following receipt of the notice, any proceeding for the deportation or
20 exclusion of the Applicant and/or his or her dependents shall be suspended. If the
21 Applicant and/or his or her dependents is/are in detention, the Secretary, subject to
22 the conditions that he or she may impose, may direct the Commissioner to order his
23 or her and/or their release. The Commissioner shall furnish the Protection Board a
24 copy of the Release Order.

25
26 Sec. 17. *Priority of Refugee Status Determination.* – Where in the
27 Application for recognition as a stateless person or in the processing thereof, a refugee
28 claim appears to exist, the stateless status determination shall, with the consent of the
29 Applicant, be suspended and the application shall be considered first for refugee
30 status determination. If the claim to refugee status is denied with finality, the
31 stateless status determination shall recommence automatically.

1 Sec. 18. **Burden of Proof.** – The responsibility of proving a claim to refugee
2 or stateless status is a shared and collaborative burden between the Applicant and the
3 Protection Officer assigned by the Secretariat to evaluate, investigate and process the
4 Application.

5 The Applicant has the obligation to provide accurate, full and credible account
6 or proof in support of his/her claim, and submit all relevant evidence reasonably
7 available.

8 A finding that the Applicant is a refugee is warranted where he or she has met
9 the definition of the refugee under this Act.

10 The finding that the Applicant is stateless is warranted where it is established
11 to a reasonable degree that he or she is not considered a national by any State under
12 the operation of its laws. This involves the examination of the nationality laws of the
13 country with which the Applicant has a relevant link (by birth, descent, marriage or
14 habitual residence).

15 The UNHCR Guidebook for Status Determination may be used for guidance by
16 the Board.

17
18 Sec. 19. **Basic Principles.** – The evaluation of application shall be governed
19 by the following basic principles:

20 (a) An applicant shall not be deprived of refugee or stateless status, and shall
21 not be discriminated in the application of the Conventions, on account of
22 race, religion, political opinion, membership in a particular social group, or
23 country of origin;

24 (b) An applicant and/or his or her dependents during the pendency of his or her
25 application, or a refugee shall not be expelled or returned to a country where
26 there are valid reasons to believe that his or her life or freedom would be
27 threatened on account of his or her race, religion, nationality, membership
28 in a particular social group or political opinion;

29 (c) An applicant for refugee status and/or his or her dependents shall not be
30 punished on account of his/her illegal entry or presence in the country,
31 provided he or she presents himself or herself without delay to the
32 authorities and/or shows good cause for his or her illegal entry or presence;

1 (d) As much as possible, the approval of an application should consider the
2 preservation and promotion of family unity; and

3 (e) An applicant shall not be detained on account of being stateless or refugee.
4

5 **Sec. 20. *Rights of an Applicant.*** – The Applicant has the right to legal
6 counsel. He or she is entitled to have the services of an interpreter, if necessary, at
7 all stages of the refugee status determination and for the purposes of the preparation
8 of the written application and for the interview. He or she shall not be denied access
9 to the UNHCR.

10 If an applicant is a person with disability, he/she shall be provided the
11 necessary assistance to present his/her case to the Board, including but not limited to
12 medical support and sign language interpreters.
13

14 **Sec. 21. *Interview.*** – The Protection Officer, as assigned by the Secretariat,
15 shall interview the Applicant to receive evidence, oral and/or documentary, to
16 substantiate the claim. The Applicant has the right to have the interview conducted in
17 a manner that shall ensure confidentiality.
18

19 **Sec. 22. *Decision.*** – A written decision on the Application shall be rendered
20 by the Protection Board within sixty (60) days from submission by the Board
21 Secretary of the report and recommendation concerning an Application.

22 The Protection Board, through the Board Secretary, shall notify the Applicant
23 of the decision in writing recognizing refugee or stateless status. In case the
24 application is disapproved, the decision shall state the reasons supporting the same,
25 a copy of which shall be furnished the Applicant.

26 The decision shall include a finding that the person is not excluded under Sec.
27 32 of this Act. If the application is approved, the decision shall expressly state that the
28 grant of status as a refugee or stateless person shall be subject to the non-waivable
29 condition that he/she shall comply with the obligations of such protected persons
30 pursuant to Section 8 of this Act.
31

1 Sec. 23. **Request for Reconsideration.** – In case the application is
2 disapproved, the Applicant may request reconsideration of the decision. Only one (1)
3 request shall be allowed to be filed within thirty (30) days from receipt of the decision.
4 The Protection Board shall issue a written resolution on the reconsideration within a
5 reasonable time.

6
7 Sec. 24. **Finality of Decision.** – Where the application is denied with
8 finality, the Applicant shall be afforded sufficient time to leave the country unless he
9 or she holds another immigration status or the Commissioner has authorized his or
10 her continued stay. Any deportation proceeding that has been suspended pursuant to
11 Section 16 hereof may be reactivated.

12
13 Sec. 25. **Effects of Recognition.** – Refugees and stateless persons may
14 enjoy and exercise such rights and privileges accorded by the UN Conventions,
15 subject to Philippine laws and regulations. The benefits of recognition, as appropriate,
16 shall automatically inure to the accompanying Family Members.

17 The Protection Board shall notify the Commissioner of its decision.

18
19 Sec. 26. **Non-Suspension of the Stateless Status**
20 **Determination.** – In the case of application for stateless status, this procedure
21 shall proceed notwithstanding the Applicant seeking acquisition or reacquisition
22 of nationality, resettlement in another country, readmission to former country of
23 residence, or is subject of deportation or extradition.

24
25 Sec. 27. **Termination of the Procedure.** – The procedure shall terminate
26 on any of the following grounds:

- 27 (a) Withdrawal of the application;
28 (b) Abandonment of the application; or
29 (c) Death of the applicant.

30 In case of death of the Applicant, the application shall survive in respect to the
31 accompanying family members who are included in the application.

1 Sec. 28. ***Applicants Requiring Assistance.*** – The Protection Board,
2 through the Secretariat, shall ensure that unaccompanied minors, persons with
3 disabilities, and other persons unable to fully take care of themselves are referred to
4 the appropriate government agencies and/or non-government organizations for their
5 care, welfare, and access to legal services, including the filing of the appropriate
6 application.

7
8 Sec. 29. ***Provisional Measures.*** – Pending decision or finality of judgement
9 in the Application, an Applicant, through the Protection Officer and the Board
10 Secretary, may apply with the Protection Board, and may be granted such provisional
11 measures, which are reasonably necessary to protect the personal security, liberty and
12 property of the Applicant. In the enforcement of such provisional measures, the
13 Protection Board may enlist the assistance of concerned government agencies and the
14 UNHCR.

15 This provision is without prejudice to the continued application of Executive
16 Order No. 304 dated 31 August 1987 authorizing the Task Force on Refugee
17 Assistance and Administration, and the Department of Foreign Affairs to respectively
18 issue identity papers and travel documents to refugees and stateless persons staying
19 in the Philippines.

20
21 Sec. 30. ***Coordination with the CHR and the UNHCR.*** – The Protection
22 Board may seek the CHR and the UNHCR for their expertise, technical guidance and
23 assistance. It shall inform the CHR and the UNHCR about relevant policies and
24 programs pursued by the Philippine Government toward ensuring the
25 implementation and compliance with the UN Conventions and the provisions of this
26 Act.

27
28 Sec. 31. ***Confidentiality of Information.*** – The information provided
29 by an applicant shall be confidential and may only be used to make a
30 determination of the veracity of the factual statements in the application.
31 The information may, however, be made available, upon request, to the UNHCR and
32 the National Security Council.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

CHAPTER VI

EXCLUSION

Sec. 32. ***Persons Excluded from the 1951 U.N. Convention and the 1954 U.N. Convention.*** – The benefits received under this Act shall not apply to those persons excluded from the application of 1951 U.N. Convention and the 1954 U.N. Convention, namely:

(a) Those already receiving from organs or agencies of the United Nations other than the UNHCR protection or assistance, so long as they are receiving such protection or assistance;

(b) Those already recognized by the competent authorities of the country in which they have taken residence as having the rights and obligations which are attached to the possession of the nationality of that country; and

(c) Those with whom serious reasons exist that:

- i. they have committed a crime against peace, a war crime, a crime against humanity, or acts of terrorism, as defined in the international instruments drawn up to make provisions in respect of such crimes and Philippine laws, including the Human Security Act;
- ii. they have committed a serious non-political crime outside the Philippines prior to their admission to the Philippines; and
- iii. they have been found guilty of acts contrary to the purposes and principles of the United Nations.

CHAPTER VII

JUDICIAL APPEAL

Sec. 33. ***Judicial Review.*** – In accordance with the Rules of Court, under Rule 43, the Applicant may seek judicial review of the decision or resolution of the Protection Board within the period prescribed.

Sec. 34. ***Finality of the Decision Denying Recognition.*** – The decision denying recognition is deemed final where the Applicant did not request reconsideration of the decision denying recognition or seek judicial review.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

CHAPTER VIII

CANCELLATION, REVOCATION AND CESSATION OF REFUGEE STATUS

Sec. 35. ***Initiating Proceedings for Cancellation, Revocation and Cessation of Refugee Status.*** – The Board may, *motu proprio*, or upon a verified complaint, initiate proceedings for cancellation, revocation or cessation of refugee status.

Sec. 36. ***Cancellation of Refugee Status.*** – The refugee status shall be cancelled if:

- (a) the recognition was granted as a result of intentional misrepresentation or concealment by the Applicant or a third party of facts that were material to the determination of his/her refugee status; or
- (b) there is new evidence that shows that the Applicant ought not to have been recognized as a Refugee.

Sec. 37. ***Revocation of Refugee Status.*** – The refugee status shall be revoked where there has been a finding that the person granted refugee status is excluded under Section 32 of this Act.

Sec. 38. ***Cessation of Refugee Status.*** – The refugee status shall cease if a Refugee:

- (a) voluntarily re-availed himself or herself of the protection of the country of his or her nationality;
- (b) voluntarily re-acquired his or her lost nationality;
- (c) voluntarily acquired a new nationality and enjoys the protection of the country of his or her nationality;
- (d) voluntarily re-established himself or herself in the country he or she left, or in a country where he or she remained owing to fear of persecution;
- (e) enjoys the protection from the country of his or her nationality, because the reasons in connection with which he or she was granted

1 refugee status have ceased to exist; Provided, that this paragraph shall not
2 apply to a refugee who is able to invoke compelling reasons arising out
3 of previous persecution for refusing to avail himself or herself of the
4 protection of the country of his or her nationality; or

5 (f) not having a nationality, returned to his or her country of habitual
6 residence due to changed circumstance; Provided, that this paragraph
7 shall not apply to a refugee who is able to invoke compelling reasons arising
8 out of previous persecution for refusing to avail himself or herself of the
9 protection of the country of his or her former habitual residence.

10

11 Sec. 39. ***Re-instatement of Stateless Status Determination***

12 ***Procedure.*** – If the refugee status has been cancelled or revoked or has ceased
13 for any of the foregoing grounds, except under subsections "b" and "c" of
14 Section 38 herein, and the application includes a claim to stateless status
15 which has been suspended under Section 16 herein, the procedure to determine
16 stateless status shall then proceed.

17

18 Sec. 40. ***Cancellation of Stateless Status.*** – The stateless status shall be
19 cancelled where the stateless person has obtained a nationality or reacquires his or
20 her former nationality.

21

22 Sec. 41. ***Revocation of Stateless Status.*** – The stateless status shall be
23 revoked where:

24 (a) recognition was granted on mistake of fact or law;

25 (b) recognition was obtained by means of fraud or intentional
26 misrepresentation; or

27 (c) new evidence indicates that the stateless person ought not to have been
28 recognized as such.

29

30 Sec. 42. ***Reconsideration of Decision and Judicial Review.*** – A
31 refugee or stateless person may seek reconsideration and judicial review of the
32 cancellation, revocation or cessation of the status as provided herein.

1 Sec. 43. **Notification to the Bureau.** – The Protection Board shall notify
2 the Bureau when the cancellation, revocation or cessation of the refugee or stateless
3 status has become final.

4

5

CHAPTER IX

6

REMOVAL

7

8 Sec. 44. **Removal of a Refugee or a Stateless Person.** – A Refugee or a
8 Stateless Person may be removed from Philippine territory:

9

10 (a) where he or she has been convicted with finality of a serious offense and is
11 considered a danger to the community after having served his or her
12 sentence; or

12

(b) on grounds of national security or public order.

13

14

15 The expulsion shall only be in pursuance of a decision reached in accordance
16 with due process of law. Except where compelling reasons of national security
17 require, the refugee or stateless person shall be allowed to submit evidence to clear
18 himself or herself, and to appeal and be represented by legal counsel for that purpose
before a competent authority.

19

20

The refugee or stateless person subject of removal shall be allowed a
reasonable period within which to seek admission into another country.

21

22

CHAPTER XI

23

FINAL PROVISIONS

24

25

26

27 Sec. 45. **Implementation.** – The Protection Board shall convene within three
28 (3) months from the effectivity of this Act and shall issue the necessary rules and
29 regulations within three (3) months thereafter.

27

28

29

30 Sec. 46. **Separability Clause.** – Should any provision of this Act be declared
invalid, the remaining provisions shall continue to be valid and subsisting.

30

1 Sec. 47. **Repealing Clause.** – All laws, presidential decrees and issuances,
2 executive orders, rules and regulations or part thereof, which are inconsistent with
3 this Act, are hereby repealed or modified accordingly.

4

5 Sec. 48. **Effectivity.** – This Act shall take effect fifteen (15) days after its
6 publication in the Official Gazette or in two (2) newspapers of general circulation.

7

8 *Approved,*