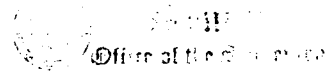


NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*Second Regular Session* )



24 FEB 14 P4:17

**SENATE**  
S. No. 2548

RECEIVED BY

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Introduced by Senator Robinhood Padilla

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

EXPLANATORY NOTE

Section 11, Article II of the 1987 Constitution provides: "The State values the dignity of every human person and guarantees full respect for human rights."

Throughout history, records bear how the Philippines has become a 'home' of migrants and refugees from various nations since the early 1900s. Bound by the Filipinos' innate compassion and humanitarian spirit, it is no surprise that the country has provided asylum to a succession of refugee populations over time.

No less than former President Ferdinand Marcos, Sr. himself affirmed this when he uttered "*We are actually a nation composed of many refugees*", during his speech at the inauguration of the Philippine Refugee Processing Centre (PRPC) in January 1980.

According to the United Nations High Commissioner for Refugees (UNHCR), the global displacement crisis, primarily caused by armed conflict, violence, persecution, and insecurity, among others, has been at the top of the international agenda in recent years.

In 2022, former President Rodrigo Roa Duterte issued Executive Order No. 163 institutionalizing access to protection services for refugees, stateless persons, and asylum seekers.

To further strengthen this move, this representation seeks to institutionalize the policy in the determination of eligibility for protection of a refugee or a stateless person by creating a Refugees and Stateless Persons Protection Board, which shall be an attached agency to the Department of Justice (DOJ).

This proposal is also part of our commitment to international treaties such as the 1951 UN Convention related to the Status of Refugees and the 1954 UN Convention related to the Status of Stateless Persons, among others.

Passing this measure will also pave the way for the Philippine government's stronger and more effective coordination and cooperation with the UNHCR, the Commission of Human Rights, and other relevant institutions and agencies.

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

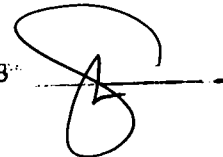


**ROBINHOOD PADILLA**  
*Senator*

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**AN ACT**  
**PROTECTING THE RIGHTS OF REFUGEES AND STATELESS PERSONS,**  
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**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 Stateless  
2 Persons Protection Act".

3           Sec. 2. *Declaration of Principles and State Policies.* —

- 4           a) The State values the dignity of every human person and guarantees  
5           full respect for human rights, including those of refugees and  
6           stateless persons.
- 7           b) The Philippines adopts the generally accepted principles of  
8           international law as part of the law of the land, and adheres to a  
9           policy of peace, equality, justice, freedom, cooperation and amity  
10          with all nations.
- 11          c) The Philippines affirms its commitment as State Party to the 1951  
12          Convention relating to the Status of Refugees ("1951 UN  
13          Convention"), the 1967 Protocol relating to the Status of Refugees  
14          ("1967 Protocol"), and the 1954 Convention relating to the Status of  
15          Stateless Persons ("1954 UN Convention").
- 16          d) The Philippines shall endeavor to establish and implement a system  
17          that shall provide for the admission, for humanitarian reasons, of

1 qualified aliens and stateless persons, with due consideration to  
2 public and national 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  
6 charges and costs of such proceedings.

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

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

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

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

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

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

24 *Sec. 4. Definition of terms.* — For purposes of this Act, the following terms are  
25 hereby defined:

26 a) "1951 UN Convention" refers to the 1951 United Nations Convention  
27 relating to the Status of Refugees;

28 b) "1967 Protocol" refers to the 1967 Protocol relating to the Status of  
29 Refugees;

30 c) "1954 UN Convention" refers to the 1954 Protocol relating to the  
31 Status of Stateless Persons;

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

1 former habitual residence, is unable, or owing to such fear, is  
2 unwilling to return to it";

3 p) "Secretary" refers to the Secretary of the Department of Justice;

4 q) "Stateless Person" is one "who is not considered a national by any  
5 State under the operation of its law"; and

6 r) "UNHCR" refers to the United Nations High Commissioner for  
7 Refugees.

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  
10 national security or public order, from the Philippines to a country  
11 where he or she would be at risk of persecution for reasons of race,  
12 religion, nationality, membership in a particular social group or  
13 political opinion; and

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

24 **Sec. 6. *Rights of Refugees and Stateless Persons.*** — The rights of refugees  
25 under the 1951 UN Convention and the 1967 Protocol, as well as the rights of the  
26 stateless persons under the 1954 UN Convention, are hereby adopted.

27 **Sec. 7. *Obligations of Refugees and Stateless Persons.*** — Refugees and  
28 stateless persons have the obligation to abide by the laws and regulations of the  
29 Republic of the Philippines, as well as the measures for the maintenance of public  
30 order and national security. Their manifest willingness to abide by this obligation shall  
31 be a non-waivable condition for their admission and continued stay within Philippine  
32 territory.

1           *Sec. 8. Refugees and Stateless Persons Protection Board.* — The Refugees and  
2 Stateless Persons Protection Board ("Protection Board") is hereby created as the  
3 central authority in matters relating to the determination of the status of refugees and  
4 stateless persons and their eligibility for protection. Accordingly, the Bureau of  
5 Immigration's principal responsibility "for the administration and enforcement of  
6 immigration, citizenship, and alien admission and registration laws" under the  
7 Philippine Immigration Act of 1940 (Commonwealth Act No. 613, as amended) and  
8 the Administrative Code of the Philippines of 1987 (Executive Order No. 292), in so  
9 far as it relates to the determination of the status of refugees and stateless persons  
10 and their eligibility for protection, is hereby modified and transferred to the Protection  
11 Board. Likewise, the Refugees and Stateless Protection Unit (RSPPU) in the Legal Staff  
12 of the Department of Justice is hereby abolished, and its duties and  
13 responsibilities are transferred to, and assumed by the Protection Board.

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

26           *Sec. 10. Powers and Functions of the Protection Board.* — The Board shall have  
27 the following powers and functions:

- 28           a) To prescribe rules and regulations necessary to carry out the  
29           provisions of this Act;
- 30           b) To receive, examine and decide applications for status as refugee or  
31           stateless persons, and resolve requests for provisional protective  
32           measures related to pending applications;

- 1 c) To set the guidelines for the operations of the Secretariat, which shall  
2 be under the control and direct supervision of the Board;
- 3 d) To promote programs related to the protection of refugees and  
4 stateless persons;
- 5 e) To closely coordinate and cooperate with the UNHCR, particularly by  
6 facilitating the latter's duty of supervising the application of the  
7 provisions of the 1951 UN Convention and the 1954 UN Convention;
- 8 f) To make reports to the competent organs of the UN, including the  
9 UNHCR, in the appropriate form with information and statistical data  
10 requested concerning: the condition of refugees and stateless  
11 persons; the implementation of the 1951 UN Convention and the  
12 1954 UN Convention; and laws, regulations and decrees which are,  
13 or may hereafter, in force relating to refugees and stateless persons;  
14 and
- 15 g) To perform such other functions on matters relating to its mandate,  
16 as may be determined by the President.

17 *Sec. 11. Relationship with the Department of Justice.* — The Protection Board  
18 shall be attached to the Department of Justice for coordination of its policies and  
19 programs.

20 *Sec. 12. Operating Budget.* — The initial operating budget of the Protection  
21 Board shall be Ten million pesos (Php 10,000,000.00). Thereafter, such sums as may  
22 be necessary for its continued operation shall be included in the annual General  
23 Appropriations Act.

24 *Sec. 13. Application.* — The Application may be filed directly with the Protection  
25 Board, or in any office of the Bureau in the port of entry/admission of the Applicant.  
26 In the latter case, the Commissioner or the concerned immigration officer shall  
27 transmit the application to the Protection Board within ten (10) days from the date of  
28 receipt thereof: *Provided*, That the Applicant's travel document, identification  
29 document including proof of relationship to any accompanying family members, and  
30 such other documents to support the claim to refugee or stateless status shall be  
31 attached to the Application.



1           Sec. 14. *Effect of the Application.* — The Protection Board shall notify the  
2 Commissioner of the receipt of the application. Following receipt of the notice, any  
3 proceeding for the deportation or exclusion of the Applicant and/or his or her  
4 dependents shall be suspended. If the Applicant and/or his or her dependents is/are  
5 in detention, the Secretary, subject to the conditions that he or she may impose, may  
6 direct the Commissioner to order his or her and/or their release. The Commissioner  
7 shall furnish the Protection Board a copy of the Release Order.

8           Sec. 15. *Priority of Refugee Status Determination.* — If a refugee claim appears  
9 to exist in the Application for recognition as a stateless person or in the processing  
10 thereof, the stateless status determination shall, with the consent of the Applicant, be  
11 suspended and the application shall be considered first for refugee status  
12 determination. If the claim for refugee status is denied with finality, the stateless  
13 status determination shall automatically proceed.

14           Sec. 16. *Burden of Proof.* — The responsibility of proving a claim to refugee or  
15 stateless status is a shared and collaborative burden between the Applicant and the  
16 Protection Officer. The Applicant has the obligation to provide accurate, full and  
17 credible account or proof in support of his/her claim, and submit all relevant evidence  
18 reasonably available.

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

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

26           Sec. 17. *Rights of an Applicant.* —

- 27           a) An applicant shall not be deprived of refugee or stateless status, and  
28           shall not be discriminated in the application of the Conventions, on  
29           account of race, religion, political opinion, membership in a particular  
30           social group, or country of origin;
- 31           b) An applicant and/or his or her dependents during the pendency of  
32           his or her application, or a refugee shall not be expelled or returned

1 to a country where there are valid reasons to believe that his or her  
2 life or freedom would be threatened on account of his or her race,  
3 religion, nationality, membership in a particular social group or  
4 political opinion;

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

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

12 e) An applicant shall not be detained on account of being stateless or  
13 refugee;

14 f) The Applicant has the right to legal counsel;

15 g) The Applicant is entitled to have the services of an interpreter, if  
16 necessary, at all stages of the refugee status determination and for  
17 the purposes of the preparation of the written application and for the  
18 interview;

19 h) The Applicant shall not be denied access to the UNHCR; and

20 i) If an applicant is a person with disability, he/she shall be provided  
21 necessary assistance to present his/her case to the Board, including  
22 but not limited to medical support and sign language interpreters.

23 *Sec. 18. Interview.* — The Protection Officer shall interview the Applicant to  
24 receive evidence, oral and/or documentary, to substantiate the claim. The Applicant  
25 has the right to have the interview conducted in a manner that shall ensure  
26 confidentiality.

27 *Sec. 19. Decision.* — A written decision on the Application shall be rendered by  
28 the Protection Board within sixty (60) days from submission of the report and  
29 recommendation concerning an Application.

30 The Protection Board shall notify the Applicant of the decision in writing  
31 recognizing refugee or stateless status. In case the application is disapproved, the

1 decision shall state the reasons supporting the same, a copy of which shall be  
2 furnished to the Applicant.

3 The decision shall include a finding that the person is not excluded under Sec.  
4 28 of this Act. If the application is approved, the decision shall expressly state that the  
5 grant of status as a refugee or stateless person shall be subject to the non-waivable  
6 condition that he/she shall comply with the obligations of such protected persons  
7 pursuant to Section 7 of this Act.

8 *Sec. 20. Request for Reconsideration.* — In case the application is disapproved,  
9 the Applicant may request reconsideration of the decision. Only one (1) request shall  
10 be allowed to be filed within thirty (30) days from receipt of the decision.

11 The Protection Board shall issue a written resolution on the reconsideration  
12 within thirty (30) days.

13 *Sec. 21. Finality of Decision.* — Where the application is denied with finality,  
14 the Applicant shall be given sufficient time to leave the country unless he or she holds  
15 another immigration status or the Commissioner has authorized his or her continued  
16 stay. Any deportation proceeding that has been suspended pursuant to Section 14  
17 hereof may be reactivated.

18 *Sec. 22. Effects of Recognition.* — Refugees and stateless persons may enjoy  
19 and exercise such rights and privileges accorded by the UN Conventions, subject to  
20 Philippine laws and regulations. The benefits of recognition, as appropriate, shall  
21 automatically apply to the accompanying Family Members. The Protection Board shall  
22 notify the Commissioner of its decision.

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

28 *Sec. 24. Grounds for the Termination of the Procedure.* — The procedure shall  
29 terminate on any of the following grounds:

- 30 a) Withdrawal of the application;  
31 b) Abandonment of the application; or  
32 c) Death of the applicant.

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

3 *Sec. 25. Applicants Requiring Assistance.* — The Protection Board shall ensure  
4 that unaccompanied minors, persons with disabilities, and other persons unable to  
5 fully take care of themselves are referred to the appropriate government agencies  
6 and/or non-government organizations for their care, welfare, and access to legal  
7 services, including the filing of the appropriate application.

8 *Sec. 26. Provisional Measures.* — Pending decision or finality of judgment in  
9 the Application, an Applicant, through the Protection Officer, may apply with the  
10 Protection Board, and may be granted such provisional measures, which are  
11 reasonably necessary to protect the personal security, liberty, and property of the  
12 Applicant: *Provided,* That this provision is without prejudice to the continued  
13 application of Executive Order No. 304 dated 31 August 1987 authorizing the Task  
14 Force on Refugee Assistance and Administration, and the Department of Foreign  
15 Affairs to respectively issue identity papers and travel documents to refugees and  
16 stateless persons staying in the Philippines.

17 *Sec. 27. Confidentiality of Information.* — The information provided by an  
18 applicant shall be confidential and may only be used to make the determination of the  
19 veracity of the factual statements in the application.

20 *Sec. 28. Persons Excluded.* — The benefits received under this Act shall not  
21 apply to those persons excluded from the application of 1951 U.N. Convention and  
22 the 1954 U.N. Convention.

23 *Sec. 29. Finality of the Decision Denying Recognition.* — The decision denying  
24 recognition is deemed final where the Applicant did not request reconsideration of the  
25 decision denying recognition or seek judicial review.

26 *Sec. 30. Initiating Proceedings for Cancellation, Revocation and Cessation of*  
27 *Refugee Status.* — The Board may, *motu proprio*, or upon a verified complaint, initiate  
28 proceedings for cancellation, revocation or cessation of refugee status.

29 *Sec. 31. Grounds for the Cancellation of Refugee Status.* — The refugee status  
30 shall canceled if:

- 31 a) The recognition was granted as a result of intentional  
32 misrepresentation or concealment by the Applicant or a thirty party

1 of facts that were material to the determination of his/her refugee  
2 status; or

- 3 b) There is new evidence that shows that the Applicant ought not to  
4 have been recognized as a Refugee.

5 *Sec. 32. Revocation of Refugee Status.* — The refugee status shall be revoked  
6 where there has been a finding that the person granted refugee status is excluded  
7 under Section 28 of this Act.

8 *Sec. 33. Cessation of Refugee Status.* — The refugee status shall cease if a  
9 Refugee:

- 10 a) voluntarily re-availed himself or herself of the protection of the  
11 country of his or her nationality;  
12 b) voluntarily re-acquired his or her lost nationality;  
13 c) voluntarily acquired a new nationality and enjoys the protection of  
14 the country of his or her nationality;  
15 d) voluntarily re-established himself or herself in the country he or she  
16 left, or in a country where he or she remained owing to fear of  
17 persecution;  
18 e) enjoys the protection from the country of his or her nationality,  
19 because the reasons in connection with which he or she was granted  
20 refugee status have ceased to exist; or  
21 f) not having a nationality, returned to his or her country of habitual  
22 residence due to changed circumstances.

23 *Sec. 34. Reinstatement of Stateless Status Determination Procedure.* — If the  
24 refugee status has been canceled or revoked or has ceased for any of the foregoing  
25 grounds, except under subsections "b" and "c" of Section 33 herein, and the  
26 application includes a claim to the stateless status which has been suspended under  
27 Section 14 herein, the procedure to determine stateless status shall then proceed.

28 *Sec. 35. Cancellation of Stateless Status.* — The stateless status shall be  
29 canceled where the stateless person has obtained a nationality or reacquires his or  
30 her former nationality.

31 *Sec. 36. Revocation of Stateless Status.* — The stateless status shall be  
32 revoked where:

- 1 a) recognition was granted on mistake of fact or law;
- 2 b) recognition was obtained by means of fraud or intentional
- 3 misrepresentation; or
- 4 c) new evidence indicates that the stateless person ought not to have
- 5 been recognized as such.

6 *Sec. 37. Reconsideration of Decision and Judicial Review.* — A refugee or  
7 stateless person may seek reconsideration and judicial review of the cancellation,  
8 revocation or cessation of the status as provided herein.

9 *Sec. 38. Notification to the Bureau.* — The Protection Board shall notify the  
10 Bureau when the cancellation, revocation or cessation of the refugee or stateless  
11 status has become final.

12 *Sec. 39. Removal of a Refugee or a Stateless Person.* — A Refugee or Stateless  
13 Person may be removed from Philippine territory:

- 14 a) where he or she has been convicted with finality of a serious offense
- 15 and is considered a danger to the community after having served his
- 16 or her sentence; or
- 17 b) on grounds of national security or public order.

18 The expulsion shall only be in pursuance of a decision reached in accordance  
19 with due process of law. Except where there are threats to national security, the  
20 refugee or stateless person shall be allowed to submit evidence to clear himself or  
21 herself, and to appeal and be represented by legal counsel for that purpose before a  
22 competent authority. The refugee or stateless person subject of removal shall be  
23 allowed a reasonable period within which to seek admission into another country.

24 *Sec. 40. Implementation.* — The Protection Board shall convene within three  
25 (3) months from the effectivity of this Act and shall issue the necessary rules and  
26 regulations within three (3) months thereafter.

27 *Sec. 41. Separability Clause.* — Should any provision of this Act be declared  
28 invalid, the remaining provisions shall continue to be valid and subsisting.

29 *Sec. 42. Repealing Clause.* — All laws, presidential decrees and issuances,  
30 executive orders, rules and regulations or part thereof, which are inconsistent with  
31 this Act, are hereby repealed or modified accordingly.

1           Sec. 43. *Effectivity.* — This Act shall take effect fifteen (15) days after its  
2 publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,