

'22 JUL 11 P6 :44

SENATE

S. No. 291

RECEIVED BY: _____



Introduced by Senator Francis G. Escudero

PHILIPPINE IMMIGRATION ACT

EXPLANATORY NOTE

The current governing law of the Bureau of Immigration, Commonwealth Act 613, was enacted under the American regime in 1940. Albeit the various amendments which have been introduced in the said law over the years, with globalization and proliferation of international crimes, a more capable and practicable immigration system is very much needed by our country to keep up with the vast changing times.

Article II, Section 7 of the 1987 Philippine Constitution gives 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, this bill seeks to apply and administer Philippine immigration policies, rules and regulations in the promotion of domestic and international interests of the Philippines, in recognition of:

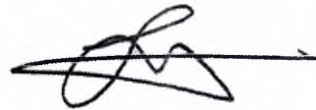
- (a) The admission of foreign nationals for the purpose of enhancing capital investments, trade and commerce, cultural exchanges and other forms of friendly relations and cooperation;
- (b) The need for increased technological and scientific development;
- (c) Promotion of conditions for social welfare 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

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

Hence, the immediate approval of this bill is earnestly sought.



FRANCIS G. ESCUDERO

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PHILIPPINE IMMIGRATION ACT

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

1 TITLE I

2 GENERAL PROVISIONS

3 *SECTION 1. Title of the Act.* — This Act shall be known as the "*Philippine*
4 *Immigration Act*".

5
6 *SEC. 2. Declaration of Policy.* — In relation to other states, the Philippines shall
7 give paramount consideration to national sovereignty, territorial integrity, national
8 security, national interest, and the right to self-determination, as it adheres to the
9 policy of peace, cooperation and amity with all nations. Toward this end, Philippine
10 immigration policies, rules and regulations under this Act shall be applied and
11 administered in the promotion of domestic and international interests of the
12 Philippines, in recognition of:

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

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

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

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

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

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

7 (g) Professionalization of the immigration service by instituting a rigid system
8 of screening and selection of immigration officials and employees and promoting
9 their development.

10
11 *SEC. 3. Definition of Terms.* — As used in this Act, the following terms are
12 defined as follows:

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

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

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

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

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

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

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

23 (h) "Commissioner" and "Deputy Commissioner" refer to the Commissioner
24 of Immigration and the Deputy Commissioner of Immigration, respectively;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 TITLE II
2 COMMISSION ON IMMIGRATION
3 CHAPTER 1
4 THE COMMISSION
5

6 *SEC. 4. Creation.* — The Commission on Immigration is hereby created. It
7 shall be principally responsible for the administration and enforcement of this Act,
8 and the implementation of all laws, rules, regulations or orders of any competent
9 authority concerning the entry and admission into, stay in, and the departure from
10 the Philippines of all persons. The Commission shall be under the general
11 supervision of the Office of the President.
12

13 *SEC. 5. Composition and Qualification.* — The Commission shall be
14 administered by the Board headed by the Commissioner as Chairperson, and four
15 (4) Deputy Commissioners as members, all of whom shall be natural-born citizens of
16 the Philippines and, at the time of their appointment, at least thirty-five (35) years of
17 age, holders of a college degree and with proven capacity for administration:
18 *Provided,* That the majority or three (3) members including the Chairperson of the
19 Commission shall be members of the Philippine Bar in good standing for at least five
20 (5) years.
21

22 CHAPTER 2
23 THE COMMISSIONER
24

25 *SEC. 6. Appointment and Rank of the Commissioner.* — The Commissioner
26 shall be appointed by the President and shall have the same rank, salary, and
27 privileges of an Undersecretary of a Department.
28

29 *SEC. 7. Powers and Functions of the Commissioner.* — In addition to the
30 duties as Chairperson of the Board, the Commissioner shall exercise the following
31 powers and functions:

32 (a) Supervise, direct and coordinate the overall operations of the
33 Commission;

34 (b) Appoint, and exercise control and supervision over, the officers and
35 personnel of the Commission, subject to existing civil service laws, rules and
36 regulations;

37 (c) Issue, (1) letter orders after determination of the existence of probable
38 cause; (2) commitment or release orders; (3) warrant of deportation; (4) watchlist
39 orders; (5) hold departure orders; (6) allow entry or departure orders; (7) blacklist
40 orders; and (8) orders implementing watchlist orders issued by the Department of
41 Justice;

1 (d) Delegate authority to subordinate officers and employees of the
2 Commission, except with regard to powers and functions enumerated in the
3 immediately preceding paragraph, which may be delegated only to the Deputy
4 Commissioners;

5 (e) Act on applications for issuance and revocation of immigrant visas;

6 (f) Act on petitions for declaration of indigency;

7 (g) Declare such control posts, landing places, airports or ports as points
8 of entry or exit, whether limited or unlimited;

9 (h) Increase, reduce or waive immigration fees, fines, penalties and other
10 charges;

11 (i) Participate as member of the Special Committee on Naturalization
12 pursuant to Section 6 of Republic Act No. 9139 otherwise known as "The
13 Administrative Naturalization Law of 2000";

14 (j) Act on applications for retention or reacquisition of citizenship under
15 Republic Act No. 9225 otherwise known as "Citizenship Retention and Re-acquisition
16 Act of 2003";

17 (k) Issue Certificate of Identification to foreigners who have obtained
18 Filipino citizenship;

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

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

25 (n) Deputize any official or employee of the national government and local
26 government units, including uniformed personnel of the Armed Forces of the
27 Philippines, the Philippine National Police and the Philippine Coast Guard to perform
28 immigration duties and functions subject to the concurrence of the Board;

29 (o) Authorize and prescribe the forms and the amount of cash bonds for
30 the provisional release of respondents in deportation proceedings;

31 (p) Impose reasonable fines and penalties for violation of immigration and
32 alien registration laws in accordance with this Act and the guidelines adopted by the
33 Commission;

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

40 (r) Accept donation of materials, equipment or technical services from any
41 foreign government, international or domestic organization, to upgrade the
42 efficiency and operations of the Commission;

1 (s) Submit to the President and Congress, annually or as may be directed,
2 a report on the: (1) number and status of foreigners in the Philippines; (2)
3 foreigners admitted or granted change of status as permanent residents; (3)
4 foreigners who have been excluded or deported from the Philippines; (4) estimated
5 number of illegal foreigners in the Philippines in each calendar year and actions
6 taken to arrest them, by nationality grouping, for each region in the Philippines; and
7 (5) such other transactions of the Commission;

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

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

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

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

15 (x) Act on applications for recognition of Philippine citizenship on
16 foundlings.

17
18 CHAPTER 3
19 THE DEPUTY COMMISSIONERS
20

21 *SEC. 8. Appointment and Rank of Deputy Commissioners.* — There shall be
22 four (4) Deputy Commissioners who shall be appointed by the President. They shall
23 have the same rank, salary and privileges of an Assistant Secretary of a
24 Department. Provided, that a *plantilla* for one (1) Deputy Commissioner shall be
25 created which shall be occupied by a career officer from the Commission.
26

27 *SEC. 9. Duties of Deputy Commissioners.* — In addition to their duties as
28 members of the Board, the Deputy Commissioners shall exercise additional powers,
29 subject to the approval of and as may be assigned by the Board, in the following
30 areas of concern as:

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

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

35 (c) Deputy Commissioner for Intelligence, Enforcement, Fraud Prevention and
36 Complaint and Prosecution; and

37 (d) Deputy Commissioner for International Policies, Cooperation and Social
38 Integration.
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CHAPTER 4
THE BOARD OF COMMISSIONERS

SEC. 10. Powers and Functions of the Board. – The Board shall have the following powers and functions:

- (a) Decide on deportation cases;
- (b) Act on appeals on decisions promulgated by immigration hearing officers;
- (c) Act on applications or recommendations for revocation of immigration status;
- (d) Act on applications for recognition of Philippine citizenship by reason of birth or marriage;
- (e) Act on applications for recognition of Philippine citizenship of foundlings;
- (f) Decide on applications for legalization of residence in accordance with law;
- (g) Prescribe and promulgate rules of proceedings before it;
- (h) Cite and punish for contempt any person in accordance with the Rules of Court;
- (i) Prepare and publish operations manual and rules of procedure, including schedule of fees, for all transactions entered into by the Commission with the public;
- (j) Formulate policies, directives, programs and projects of the Commission; and
- (k) Perform such other powers and functions as provided by existing laws, rules and regulations not inconsistent with any of the provisions of this Act.

SEC. 11. Decisions of the Board. – In all cases or proceedings before the Board, the decision of the majority shall prevail. Decisions of the Board shall become final and executory fifteen (15) days from receipt thereof. Only one (1) motion for reconsideration shall be filed with the Board.

Decisions in deportation cases may be appealed to the Office of the President within fifteen (15) days from receipt thereof, whose decision shall be final and executory unless stayed by an order of the Court of Appeals. The appeal shall stay the execution of the decision appealed from unless the Board, in the interest of national security and/or public safety, directs its execution pending appeal.

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

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

SEC. 14. Board Secretary. – The Board shall be assisted by a Board Secretary who shall be appointed by the Commissioner. He/she must be a member of the Philippine Bar in good standing for at least three (3) years prior to his/her

1 appointment. He/she shall keep a docket book for deportation cases, applications
2 for revocation of immigration status, applications for recognition of Philippine
3 citizenship by reason of birth *or* marriage, applications for legalization of residence
4 and applications for refugee status.

5
6 CHAPTER 5
7 THE EXECUTIVE DIRECTOR
8

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

14 *SEC. 16. Powers and Duties.* – The Executive Director shall:

- 15 (a) Advise and assist the Commissioner in the formulation and
16 implementation of the objectives, policies, plans and programs of the Commission;
17 (b) Oversee all the operational activities of the Commission;
18 (c) Coordinate the programs and projects of the Commission and be
19 responsible for its economical, efficient and effective administration;
20 (d) Administer oaths in connection with all matters relating to the business
21 of the Commission; and
22 (e) Perform such other duties as may be assigned by the Commissioner.

23
24 CHAPTER 6
25 THE BOARD OF SPECIAL INQUIRY
26

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

32
33 *SEC. 18. Appointment and Qualification of the Chairpersons and Members*
34 *of the Boards of Special Inquiry.* – The Chairpersons and members of the Boards of
35 Special Inquiry shall be appointed by the Commissioner, all of whom shall be
36 natural-born citizens of the Philippines and, at the time of their appointment, at least
37 thirty (30) years of age, members of the Philippine Bar in good standing, and
38 engaged in the practice of law for at least three (3) years. They shall hold office
39 during good behavior, unless sooner removed for cause.

40
41 *SEC. 19. Powers and Functions of the Boards of Special Inquiry.* – The Boards of
42 Special Inquiry shall:

- 1
2 (a) Administer oaths;
3 (b) Cite and punish for contempt in accordance with the Rules of Court;
4 (c) Issue subpoena in cases being heard by the Board of Special Inquiry;
5 (d) Recommend to the Board the imposition, waiver or reduction of fees, fines,
6 penalties and other charges subject to existing laws, rules and regulations;
7 (e) Exercise exclusive original authority to hear and recommend to the Board
8 for final resolution the following cases:
9 (1) Deportation;
10 (2) Applications for revocation of immigration status;
11 (3) Applications for recognition of Philippine citizenship by reason of
12 birth or marriage;
13 (4) Applications for legalization of residence in accordance with law;
14 (5) Application for issuance of visa for stateless person; and
15 (f) Perform such other duties and functions as may be directed by the
16 Commissioner.

17 *SEC. 20. Proceedings Before the Boards of Special Inquiry.* – The
18 proceedings before the Boards of Special Inquiry shall be public and recorded. In all
19 cases, the Boards of Special Inquiry shall meet and act as a collegial body. Only
20 members of the Philippine Bar in good standing shall appear for and in behalf of any
21 party before the Boards of Special Inquiry.
22

23 *SEC. 21. Resolutions of the Boards of Special Inquiry.* – Cases before
24 the Boards of Special Inquiry shall be resolved within five (5) working days from the
25 date the same are submitted for resolution. Said resolution shall be submitted
26 immediately to the Board for action.

27 CHAPTER 7
28 DIVISIONS OF THE COMMISSION
29

30 *SEC. 22. Divisions and Other Operating Offices of the Commission.* — The
31 Commission shall have the following divisions and other operating offices, namely:
32 (1) Administration; (2) Finance; (3) Information and Communications Technology;
33 (4) Planning and Research; (5) International Policies and Cooperation; (6) Social
34 Integration; (7) Intelligence; (8) Law Enforcement; (9) Fraud Prevention; (10) Legal;
35 (11) Immigration Regulation; (12) Registration; (13) Visa and Special Permit; (14)
36 Complaint and Prosecution; (15) Internal Audit Office; (16) National Operations
37 Center; and (17) Immigration Academy of the Philippines.
38

39 *SEC. 23. Heads of the Divisions and Other Operating Offices.* — Each
40 Division and other operating offices shall be headed by a Director to be appointed by
41 the Secretary, upon recommendation of the Commissioner: *Provided, however,* That
42 Directors for the Division for Legal and the Division for Complaint and Prosecution

1 shall be members of the Philippine Bar in good standing, and must have been
2 engaged in the practice of law for at least three (3) years. The Director for Finance
3 Division shall be a Certified Public Accountant in good standing for at least three (3)
4 years.

5
6 *SEC. 24. Duties and Functions of the Divisions and Other Operating*
7 *Offices.* – The different divisions and other operating offices of the Commission shall
8 operate in accordance with their respective duties and functions as defined by the
9 Commissioner, subject to the requirements of efficiency, economy, transparency,
10 accountability and effectiveness, and pertinent budget and civil service laws, rules
11 and regulations.

12
13 CHAPTER 8
14 REGIONAL OFFICES

15
16 *SEC. 25. Field Offices of the Commission.* — The Commission shall operate
17 and maintain a Regional Immigration Office in each of the administrative regions
18 including the National Capital Region.

19 The Regional Immigration Offices of the Commission shall each be headed
20 by a Regional Immigration Officer, all of whom shall be appointed by the Secretary
21 upon the recommendation of the Commissioner.

22
23 *SEC. 26. Border Control Stations* – There shall be established Border Control
24 Stations which shall be manned by Border Control Officers appointed by the
25 Commissioner. The Border Control Stations shall be placed in specific areas in the
26 Philippines which shall be determined by the Board. Their duties and responsibilities
27 shall be determined by the Commissioner.

28
29 *SEC. 27. Changes in the Composition, Distribution of Assignment of Regional*
30 *Offices.* – The Commissioner may make changes in the composition, distribution and
31 assignment of Regional Offices, as well as its personnel, based on the demographics
32 of the Philippines' foreigner population and as the exigency of the service requires.

33
34 *SEC. 28. Immigration Officers.* – The position of Immigration Officer is hereby
35 created. No person shall be appointed to the position of Immigration Officer unless
36 he is a holder of a bachelor's degree and a first-grade civil service eligible. The
37 Immigration Officers shall perform the following duties:

38
39 (a) Examine, with the assistance and advice of medical authorities in
40 appropriate cases, foreigners at the port of entry concerning their admissibility to
41 enter and their qualifications to remain in the Philippines;

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

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

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

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

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

12
13 *SEC. 29. Designation of Employees.* – The Commissioner may designate, in
14 accordance with civil service laws, rules and regulations, any competent and
15 qualified employee of the Commission, to act as immigration officer or assign any
16 employee to other offices within the Commission and/or assign him/her additional or
17 other duties as the best interest or exigency of the service may require.

18
19 *SEC. 30. Assignment of Employees to do Overtime Work.* — The Commissioner
20 may assign immigration employees to do overtime work or services pursuant to rules
21 and regulations to be prescribed and at the rates fixed by the Commissioner when
22 the work or service to be rendered is to be paid by the airline, shipping companies
23 or other persons served.

24
25 *SEC. 31. Deployment of Immigration Personnel Abroad.* - Within ninety (90)
26 days from the effectivity of this Act, the Department of Foreign Affairs and the
27 Commission shall enter into a Memorandum of Agreement pertinent to the
28 assignment and deployment of immigration personnel to select consular posts
29 abroad who shall perform immigration duties, except diplomatic and consular
30 functions.

31
32 *SEC. 32. Manning Levels* - On the average, the manning levels of immigration
33 officers of the Commission nationwide shall be in accordance with the number of
34 arrivals in each port of entry as determined by the Board: *Provided,* That the
35 number of employees, as provided in the staffing pattern in accordance with Section
36 130 of the Act, shall not be decreased.

37 TITLE III
38 IMMIGRATION
39 CHAPTER 1 - NON-IMMIGRANTS
40

41 *SEC. 33. Categories of Non-immigrants and Types of Visa Issued.*- Foreign
42 nationals departing from any place outside the Philippines who are otherwise

1 admissible and who qualify under any one of the following categories may be
2 admitted as non-immigrants:

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

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

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

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

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

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

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

29 Citizens of a country that has an investor treaty with the Philippines, and their
30 family members, and coming to work in the Philippines for a business they own or
31 one that is at least fifty percent (50%) owned by nationals of their home country
32 and which business is supported by a substantial investment from nationals of their
33 home country shall be granted a D-2 visa;

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

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

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

- b. Members of reigning royal families recognized by the Philippine Government;
 - c. Governors-General, Governors, and High Commissioners of dependent territories and their personal representatives;
 - d. Cabinet ministers and their deputies and officials with cabinet rank of ministers;
 - e. Presiding officers of national legislative bodies;
 - f. Justices or judges of the highest national judicial bodies;
 - g. Diplomats and career consular officials;
 - h. Diplomatic couriers regularly and professionally employed as such;
 - i. Military, naval, air and other attaches assigned to a diplomatic mission;
 - j. All members of official special missions of a diplomatic character;
 - k. Officials of international organizations bearing diplomatic passports when traveling on official business;
 - l. Representatives of international organizations who have diplomatic status and bearing diplomatic passports issued by their governments;
 - m. Members of delegations proceeding to or from an international conference of an official or diplomatic nature;
 - n. Accompanying spouses and unmarried minor children of foreigners within the abovementioned categories; and
 - o. Such other officials going to the Philippines on diplomatic missions.
2. Persons entitled to E-2 Visa: The E-2 visa shall be issued to any other person not included in the foregoing list, who is an officer of a foreign government recognized by the Philippines, is a national of the country whose government he represents, and is proceeding to the Philippines in connection with official business for his/her government.
- This category includes, *inter alia*, the members of the staff of a diplomatic mission or consular post, the staff of international organizations, and official students or participants in programs under the auspices of the Philippine Government or recognized international institutions.
- The family members of the above-mentioned persons shall also be issued E-2 Visa.
3. Persons entitled to E-3 Visa: The E-3 Visa shall be issued to the members of the household, the attendants, servants and employees of persons to whom E-1 and E-2 visas have been granted;

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

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

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

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

31 (j) Media Workers (J Visa): Foreign media personnel or correspondents, duly
32 accredited by the government agency concerned, who are bona fide representatives
33 of a foreign press, radio, satellite, television, film, or other information media, and
34 are coming to the Philippines solely to engage in gathering information principally for
35 dissemination abroad, including their family members accompanying or following to
36 join them during the period of the assignment in the Philippines;

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

40 (l) Refugees (L-1 Visa) and Stateless Persons (L-2 Visa): Refugees as defined
41 in Section 3 (z) hereof shall be issued L-1 Visa. Stateless persons, whose admission
42 for humanitarian reasons and not inimical to public interest has been approved by

1 the Commissioner or the President in such cases and under such conditions as he
2 may prescribe, shall be issued L-2 Visa; and

3 (m) Special Non-Immigrants (M Visas): Such other foreign nationals
4 including their family members who may be admitted as non-immigrants under
5 special laws or foreign nationals not otherwise provided for by this Act who are
6 coming for temporary periods only, and whose admission is authorized by the
7 Commissioner or the President in the interest of the public or for humanitarian
8 considerations and under such conditions as he may prescribe.

9 *SEC 33-A. Visa Policy.* – The policies governing the issuance, extension,
10 renewal and conversion of visas referred to in Section 33 hereof shall be jointly
11 formulated by the Commission and the Department of Foreign Affairs and, when
12 appropriate, the Commission and the Department of Foreign Affairs shall consult
13 with the concerned government agencies or offices relative thereto.

14 Any visa policy or guidelines to be implemented abroad shall be done by the
15 Department of Foreign Affairs, with due notice to the Commission and other
16 concerned agencies and/or offices.

17
18 *SEC. 33-B. Visa Issuance Overseas.* - All non-immigrant visas issued outside
19 of the Philippines shall be done by Consular Officers of the Department of Foreign
20 Affairs duly assigned at Philippines posts abroad. Immigrant visas, whenever issued
21 abroad, shall be done by the Consular Officers upon the approval of the Commission
22 through the Department of Foreign Affairs.

23 CHAPTER 2
24 IMMIGRANTS
25

26 *SEC. 34. Quota Immigrants.* — Subject to conditions set forth in this Act,
27 there may be admitted into the Philippines, immigrants, otherwise known as "*quota*
28 *immigrants*", not to exceed two hundred (200) of any one nationality based on
29 immigration reciprocity for any one calendar year and upon allotment by the
30 Commissioner of the corresponding quota number. In the allotment of quota
31 numbers, the following order of preference shall be observed:

32
33 (a) First Preference: Those whose service and qualifications show high
34 educational attainment, technical training, specialized experience, or exceptional
35 ability in the sciences, arts, professions, or business as would reasonably enhance
36 and contribute substantial benefits prospectively to the national economy, or cultural
37 or educational interests or welfare of the Philippines, including their family members,
38 accompanying or following to join them, who shall likewise be allotted individual
39 quota numbers;

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

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

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

3
4 *SEC 35. Allotment of Quota.* — The Commissioner shall, with respect to the
5 first preference, allot not more than fifty percent (50%) of the annual quota
6 allotment up to the end of June each year: *Provided, however,* That if the fifty
7 percent (50%) is not utilized by the first preference, the balance thereof shall be
8 given to the second, third, and fourth preferences in accordance with Section 34 of
9 this Act. Any unused quota allotment for a calendar year cannot be carried over and
10 utilized for the ensuing calendar year.

11
12 *SEC. 36. Basis in Determination of Quota Allotment.* — The nationality of an
13 immigrant whose admission is subject to the numerical limitation imposed by Section
14 34 of this Act shall be that of the country of which the immigrant is a national or a
15 citizen. The nationality of an immigrant possessing dual nationality may be that of
16 either of the two countries regarding him/her as a national or citizen if he/she
17 applies for a visa in a third country. If he/she applies for a visa within one of the two
18 countries regarding him/her as a national or citizen, his/her nationality shall be that
19 of the country in which he/she files his/her application for a visa to enter the
20 Philippines.

21
22 *SEC. 37. Non-Quota Immigrants.* — The following immigrants, known as
23 "*non-quota immigrants*", may be admitted without regard to numerical limitation and
24 immigration reciprocity:

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

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

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

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

38 (e) A foreign national who had been previously lawfully admitted into the
39 Philippines for permanent residence who is returning from a temporary visit abroad
40 to an unrelinquished residence in the Philippines; and

41 (f) A natural-born citizen who becomes a naturalized citizen of a foreign
42 country and is returning to the Philippines for permanent residence therein, including

1 his/her spouse and minor children accompanying or following to join him/her, except
2 the one who has re-acquired or retained his/her Philippine citizenship pursuant to
3 Republic Act No. 9225.

4
5 *SEC. 38. Status of Children Born to Foreign Nationals.* — (a) A child born in
6 the Philippines to parents who are foreign nationals and lawful residents of the
7 Philippines shall be deemed a native-born permanent resident. (b) A child born to
8 parents who are both non-immigrants shall be deemed a native-born non-
9 immigrant or temporary resident and may remain in the Philippines only during the
10 period of authorized stay of the parents, unless he/she reaches the age of eighteen
11 (18) years while continuously residing in the Philippines, in which case he/she
12 may apply for naturalization under existing laws or for an appropriate visa.

13
14 CHAPTER 3
15 ADJUSTMENT OF STATUS
16

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

27
28 *SEC. 40. Effect of Approval of Application for Adjustment.* — Upon the
29 approval of an application for adjustment of status under the preceding section, the
30 Commissioner shall record the foreign national's lawful admission as a permanent
31 resident as of the date of the approval of the application and shall be included as
32 part of the quota for the calendar year in accordance with Section 34 of this Act.

33
34 *SEC. 41. Adjustment of Status, When Not Allowed.* — Adjustment of status
35 under Section 39 of this Act shall not be applicable to (a) a foreign crewmember, (b)
36 a foreign national who has violated or is in violation of immigration laws, rules and
37 regulations unless the same is through no fault of his/her own or for purely technical
38 reasons, (c) a foreign national admitted as a temporary visitor without visa, and (d)
39 transients.

40
41 CHAPTER 4
42 DOCUMENTATION AND ADMISSION OF NON-IMMIGRANTS

1
2 *SEC. 42. Documentary Requirements of Non-immigrants.* – Non-immigrants
3 must present for admission into the Philippines valid passports issued by the
4 governments of the countries to which they owe allegiance to or other travel
5 documents showing their nationality and identity as prescribed by regulations and a
6 valid visa granted by the Philippine Consular Officer, if required under existing laws,
7 rules, regulations, or multi-lateral or bilateral agreements.
8

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

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

33 If the Board finds that the petition complies with the requirements of the
34 preceding paragraph and of other regulations, it shall grant the petition and shall
35 promptly transmit the authorization to the Department of Foreign Affairs and/or the
36 Consular Office concerned.
37

38 *SEC. 45. Submission of Crew List and Passenger Manifest to the Commission.*
39 – Simultaneous to the vessel's departure from the port of origin, the master, captain,
40 agent, owner or consignee of any commercial vessel arriving to the Philippines shall
41 submit to the Commission, within a reasonable time prior to such arrival, the crew
42 lists, passenger manifests and such other information concerning the persons
arriving on such a vessel. In the same manner and condition, the master, captain,

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

7 *SEC. 46. Inspection of Crewmembers.* – It shall be the duty of the master,
8 captain, agent, owner or consignee of any vessel arriving in the Philippines to have
9 available on board, for inspection by the Immigration Officer, any foreign
10 crewmember employed on such vessel and to detain such crewmember on board
11 after inspection and to remove such crewmember when required by the immigration
12 authorities. No crewmember on board such vessel shall be discharged while the
13 vessel is in port without the permission of the Commissioner.
14

15 *SEC. 47. Permission for Temporary Landing of a Foreign Crewmember.* — A
16 foreign crewmember on a vessel arriving in the Philippines may be permitted to land
17 temporarily under such conditions as may be prescribed by the Commissioner. All
18 expenses incurred by the Commission while the crewmember is on land shall be
19 borne by the master, captain, agent, owner or consignee of the carrying vessel.
20

21 CHAPTER 5 22 REFUGEE STATUS 23

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

30 (a) has committed a crime against peace, a war crime, crime against
31 humanity or any other crime under international law;

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

34 (c) has been guilty of an act contrary to the purposes and principles of the
35 United Nations.
36

37 *SEC. 49. Cessation of Refugee Status.* – Refugee status granted under the
38 previous section shall cease if a refugee:

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

41 (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
2 his/her nationality or, not having a nationality, is able to return to the country of
3 former habitual residence in view of the cessation of the reasons that resulted to
4 his/her being a refugee: *Provided*, That this ground shall not apply if a refugee is
5 able to invoke compelling reasons arising out of the previous persecution.
6

7 *SEC. 50. Effect of Grant of Refugee Status to Refugee Dependents.* – A
8 spouse, minor child, and other dependents of a foreigner who is granted a refugee
9 status may, if not otherwise eligible under Section 48, be granted the same status as
10 the refugee to assure family unity or when it is in the public interest.
11

12 *SEC. 51. Confidentiality of Information.* – In proceedings for the recognition
13 of refugee status, the confidentiality of information shall be respected and no
14 information relating to the refugee shall be shared with the country of origin or
15 country of former habitual residence, directly or indirectly.
16

17 *SEC. 52. Burden of Proof.* – In proceedings for the recognition of refugee
18 status, the burden of proof lies with the applicant, subject to the principle of non-
19 refoulement.
20

21 *SEC. 53. Stay of Exclusion or Deportation.* – Notwithstanding the provisions of
22 Sections 78 and 86, the exclusion from entry and deportation of a foreigner shall be
23 stayed during the pendency of an application for refugee status. Where grounds
24 under Section 78 are present, the refugee shall be allowed entry and the application
25 shall be immediately referred by the Immigration Officer to the Board.
26

27 *SEC. 54. Detention of Refugee.* – Detention of applicants for refugee status
28 shall only be resorted to in cases arising out of illegal entry or unauthorized stay
29 after consideration of other alternatives, as may be determined by the
30 Commissioner.
31

32 CHAPTER 6 33 DOCUMENTATION AND ADMISSION OF IMMIGRANTS 34

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

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

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

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

8 Chapter 7 — Visa Issuance
9

10 *SEC. 56. Nature of Visa.* — Nothing in this Act shall be construed to
11 automatically entitle any foreign national to whom a visa or other travel document
12 has been issued to enter the Philippines if, upon arrival at a port of entry, he/she is
13 found to be inadmissible under this Act or any other law.
14

15 *SEC. 57. Requirement of Issuance of Visa.* — Under the conditions and subject
16 to the limitations prescribed in this Act or regulations issued hereunder, the
17 Commissioner may approve the issuance of an immigrant visa upon the
18 recommendation of a Consular Officer in the following manner:

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

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

28 All diplomatic visas under Section 33 (e) of this Act shall be exclusively issued
29 by the Department of Foreign Affairs in accordance with the Vienna Convention on
30 Diplomatic Relations.

31 All other non-immigrant visas under Section 33 shall be issued by the
32 Consular Officer, when the application is made abroad, or may be issued by the
33 Office of the Visa Director of the Department of Foreign Affairs, when the application
34 is made in the Philippines for conversion or renewal.

35 The issuance of special non-immigrant visas falling under the jurisdiction of a
36 particular government office or agency can only be done in coordination with and
37 upon recommendation of the government agency or office concerned.
38

39 *SEC. 58. Requirements for Physical and/or Mental Examination Prior to*
40 *Issuance of Immigrant Visa.* — Prior to the issuance of an immigrant visa to any

1 foreign national, the Consular Officer shall require such person to submit to a
2 physical and mental examination in accordance with such regulations as may be
3 prescribed by the Commissioner. In addition, said foreign national shall be required
4 to personally plant fifty (50) trees, except when he/she is physically incapable of
5 doing so, in which case, he/she may cause another person to plant the trees.

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

19
20 *SEC. 60. Denial of Visa, Grounds Thereof.* — The Consular Officer may deny
21 the application for visa (a) if it appears from the statements in the application or in
22 the documents submitted the applicant is not entitled to a visa under this Act; or (b)
23 if he/she fails to comply with the requirements of the provisions of this Act.

24
25 *SEC. 61. Revocation of Visa Issued by Consular Officer.* — The Commissioner
26 may, for valid cause and upon confirmation of the Secretary of Foreign Affairs,
27 revoke the visa issued by any Philippine Consular Office. If the notice of revocation
28 is not received and the visa holder applies for admission into the Philippines, his/her
29 admission or entry shall be determined by the Immigration Officer upon his/her
30 arrival at the port of entry.

31
32 CHAPTER 8
33 RE-ENTRY AND EMIGRATION CLEARANCE
34

35 *SEC. 62. Re-entry.* — Every time a registered foreign national, except a
36 temporary visitor, departs or is about to depart temporarily from the Philippines with
37 the intention to return, he/she must pay a re-entry fee, emigration clearance fee and
38 head fee: *Provided*, That said foreign national returns to the Philippines within a
39 period of one (1) year from his/her departure in order to maintain his/her visa
40 category. Otherwise, he/she shall apply for an extension of the period within which
41 to return prior to its expiration and pay the prescribed fees and charges therefor:
42 *Provided, further*, That if his/her authorized stay is less than one (1) year, he/she

1 shall pay a special return fee, emigration clearance fee and head fee for every
2 departure: *Provided, finally,* That in both cases, if the registered foreign national
3 departs permanently from the Philippines, he/she shall surrender all his/her
4 Philippine immigration documents to the Commission and apply for and be issued an
5 Emigration Clearance Certificate upon payment of the prescribed fees and charges
6 therefor, subject to the following conditions:

7 (a) He/she has no pending obligation with the government or any of its
8 agencies or instrumentalities;

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

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

13
14 *SEC. 63. Emigration Clearance.* — Any temporary visitor departing from the
15 Philippines shall, after the expiration of his/her initial authorized stay, apply for
16 emigration clearance with the Commission and pay the prescribed fees and charges
17 therefor.

18
19 CHAPTER 9
20 PRESIDENTIAL PREROGATIVES

21
22 *SEC. 64. Presidential Prerogatives.* — Any provision of this Act to the contrary
23 notwithstanding, the President may:

24 (a) Deny the entry and admission into the Philippines of any foreign national
25 or a class of foreign nationals whenever the President finds that the entry would be
26 detrimental to the interest of the Philippines or impose such restrictions as he/she
27 may deem appropriate;

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

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

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

33 (e) Admit non-immigrants not otherwise provided for in this Act for
34 humanitarian considerations and when not detrimental to public interest, under such
35 terms and conditions as he/she may prescribe;

36 (f) Prohibit the departure from the Philippines of any person who is likely to
37 disclose national security information, or who is likely to organize a rebellion abroad
38 against the Philippines, or whose presence in the country is necessary to face, or be
39 a witness in, criminal proceedings; and

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

42

1 TITLE IV
2 PROVISIONS RELATING TO ENTRY
3 CHAPTER 1
4 CLASSIFICATION OF PORTS OF ENTRY
5

6 *SEC. 65. Authority to Classify Ports.* – The Commissioner shall classify
7 and designate, from among the ports of entry established by law for immigration
8 purposes, limited or unlimited ports of entry through which foreigners may be
9 admitted into the Philippines. Only such classes of foreigners as provided under the
10 rules and regulations prescribed by the Commissioner may be admitted at limited
11 ports of entry. The Commissioner may, after due notice to the public, close
12 designated ports of entry in the interest of national security or public safety.
13

14 CHAPTER 2
15 PROCEDURES ON ARRIVAL
16

17 *SEC. 66. Inspection by Immigration Officer.* — A foreigner seeking admission
18 or readmission shall present his/her valid passport and visa, if required, to the
19 immigration officer at the port of entry and shall be subject to primary inspection.
20 The decision of the examining Immigration Officer, if favorable to the admission of
21 any foreigner, may be challenged by another Immigration Officer. The final
22 determination of admissibility of such foreigner shall be determined by the
23 Commissioner in case no resolution is reached between the Immigration Officers on
24 the challenged admission. In case of admission, the Immigration Officer shall
25 indicate in the passport the date, the port of entry and the identity of the vessel
26 boarded.
27

28 *SEC. 67. Detention or Quarantine for Examination.* — For the purpose of
29 determining whether a foreigner arriving at any port in the Philippines belongs to
30 any of the classes excludable under this Act by reason of being afflicted with any of
31 the contagious or communicable disease or mental disorder set forth under Section
32 78(a) of this Act or whenever the Commissioner has received information showing
33 that foreigners are coming from a country or a place where any of such diseases are
34 prevalent or widespread, the foreigner shall be detained or quarantined for a
35 reasonable period of time to enable the immigration and medical officers to subject
36 such person to observation and examination.
37

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

1 *SEC. 73. Liability for Overstaying Foreign Crewmen.* — A foreign crewmember
2 who remains in the Philippines in excess of the period allowed in the conditional
3 permit issued to him shall be solidarily liable with the owner, operator, captain,
4 master, pilot, agent or consignee of the vessel to pay the penalties prescribed in
5 Section 126 of this Act.
6

7 *SEC. 74. Liability for Unauthorized Discharge of Foreign Crewmember.* — It
8 shall be unlawful for any person, including the owner, operator, captain, master,
9 pilot, agent or consignee of any vessel to discharge any foreign crewmember
10 employed a vessel arriving in the Philippines and whilst in port, without first
11 obtaining the prior permission of the Commissioner. Otherwise, such person or
12 owner, operator, captain, master, pilot, agent or consignee of the vessel shall pay
13 the Commission such fines as may be prescribed under this Act. No such vessel shall
14 be granted clearance from any port in the Philippines while such fines remain unpaid
15 or while the validity thereof is being determined: *Provided*, That a clearance may be
16 granted prior to such determination upon deposit of a sum or cash bond sufficient to
17 cover such fines as approved by the Commissioner.
18

19 *SEC. 75. Duty to Report Desertion or Illegal Landing of Foreign Crewmember.*
20 —The owner, operator, captain, master, pilot, agent or consignee of any vessel shall
21 immediately report, in writing, to the immigration officer all cases of desertion or
22 illegal disembarkation in the Philippines from the vessel, together with a description
23 of such foreigners and any information that shall result in their apprehension.
24

25 *SEC. 76. Requirement for Submission of List of Newly Employed, Discharged*
26 *and Illegally Landed Foreign Crewmember.* — Prior to the departure of any vessel
27 from the last port in the Philippines destined to any place outside thereof, the
28 owner, operator, captain, master, pilot, agent or consignee thereof shall deliver to
29 the Immigration Officer at that port a list containing: (a) the names of crewmembers
30 who were not employed thereon at the time of the vessel's arrival on such port but
31 will depart thereat on the same vessel; (b) the names of those, if any, who have
32 been discharged; (c) the names of those who have deserted or illegally landed at
33 that port, if any; and (d) such other additional information as the Commissioner
34 deems necessary.
35

36 *SEC. 77. Liability for Failure to Submit Complete, True and Correct Report.* —
37 In case the owner, operator, captain, master, pilot, agent, or consignee, fails to
38 submit a true and complete list or report of foreigners, or to report cases of
39 desertion or illegal landing, he/she shall pay to the Commission such sum as may be
40 prescribed under this Act. No such vessel shall be granted clearance from any port
41 in the Philippines while such fines remain unpaid or while the validity thereof is
42 being determined: *Provided*, that clearance may be granted prior to such

1 determination upon deposit of a sum or cash bond sufficient to cover such fines as
2 approved by the Commissioner.

3
4 CHAPTER 4
5 EXCLUSIONS
6

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

9 (a) Health Related Grounds

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

17 (b) Economic Grounds

- 18 1. Those likely to become a public charge;
19 2. Those seeking entry for the purpose of performing skilled or unskilled
20 labor, without a permit from the Secretary of the Department of Labor
21 and Employment as required by law;

22 (c) Moral Grounds

- 23 1. Those coming to the Philippines to practice polygamy or who advocate
24 the practice of polygamy unless his/her religion allows such practices;
25 2. Those who are pedophiles, sexual perverts or those coming to the
26 Philippines for immoral purposes;
27 3. Those who are engaged or who seek to engage in prostitution or to
28 procure or attempt to procure prostitutes, or who receives in whole or
29 in part the proceeds of prostitution;
30 4. Those who, at the time of primary inspection, by the Immigration
31 Officer exhibit any obnoxious behavior, contempt or disrespect for the
32 said officer or any government official or Commission;

33 (d) Criminal and Security Grounds

- 34 1. Those who have been convicted of a crime involving moral turpitude or
35 who admit to the Immigration Officer having committed such crime, or
36 who attempt and conspire to commit the crime;
37 2. Those who have been convicted, or who admit having committed, or
38 are committing acts which constitute the elements of a violation or
39 conspiracy to violate any law or regulation of the Philippines or a
40 foreign country relating to a controlled, regulated or prohibited
41 substance, or who attempt or conspire to commit the crime;

- 1 3. Those that the Philippine Government knows or has reason to believe
2 is a trafficker of any controlled, regulated or prohibited substance or
3 knows or has reason to believe is or has been an accomplice,
4 accessory, abettor, or co-conspirator in the illicit trafficking of any
5 controlled, regulated or prohibited substance;
- 6 4. Those who are fugitives from justice;
- 7 5. Those who seek to enter the Philippines to engage in:
 - 8 a. Espionage or sabotage, or a violation or evasion of any laws
9 prohibiting export of goods, technology or sensitive information;
 - 10 b. Any activity aimed to promote membership in an organization of
11 syndicated criminal activities;
 - 12 c. Any activity, the purpose of which is to overthrow the Philippine
13 government by force, violence or other unlawful means; and
 - 14 d. Any other unlawful activity.
- 15 7. Those who are engaged or believed to be engaged or likely to engage in,
16 aid, abet or finance any terrorist activity and members or representatives
17 of a foreign terrorist organization;
- 18 8. Those who have been identified by competent authorities, local or
19 foreign, as having engaged or are engaging in human trafficking and
20 smuggling;
- 21 9. Those who are under fifteen (15) years of age and unaccompanied by or
22 not coming to a parent, except that they may be admitted in the
23 discretion of the Commissioner, if otherwise admissible; and
- 24 10. Those who have been identified by competent authorities, local and
25 foreign, as having engaged or are engaging in importation of
26 contrabands and other prohibited articles into the country.

27
28 *SEC. 78-A. Minor Persons/ Minority.* – Persons under fifteen (15) years of age,
29 and not accompanied by or not coming to a parent, may be admitted: *Provided,*
30 That the written consent of either parent allowing them to travel is presented. The
31 written consent must cite the purpose of the travel and must be affirmed by the
32 Philippine Consular post in the minor’s country of origin.

33
34 *SEC. 79. Temporary Detention of Excludable Foreigners.* — For the purpose of
35 ascertaining whether a foreigner arriving in the Philippines belongs to any of the
36 excludable classes of foreigners provided for in this Act or related laws, the
37 Immigration Officer, for a period not exceeding seventy-two (72) hours, may
38 temporarily detain for investigation such foreigner either on board the vessel or at a
39 place designated for the purpose at the expense of the master, captain, agent,
40 owner or consignee of the carrying vessel.

1 *SEC. 80. Finality of Exclusion Order.* — An order by the Immigration Officer to
2 exclude a foreign national who is excludable under Section 78 hereof is final and
3 executory unless revoked by the Commissioner upon a timely appeal prior to the
4 implementation of the exclusion order.

5
6 *SEC. 81. Authority to Waive Grounds for Exclusion.* — Except for grounds of
7 exclusion under Section 78(d), subparagraphs 1 to 8 and subparagraph 9, the
8 Commissioner may waive any of the grounds for exclusion mentioned therein.

9
10 *SEC. 82. Procedure of Removal and Cost Thereof.* — Any foreign national
11 arriving in the Philippines who is ordered excluded shall be immediately removed in
12 the same accommodation to the country where he/she boarded the vessel on which
13 he/she arrived, unless the Commissioner determines that immediate removal is not
14 proper and practicable. The cost of detention and other expenses incidental thereto
15 shall be borne by the owner, operator, master, pilot, captain, agent or consignee of
16 the vessel on which he/she arrived.

17
18 *SEC. 83. Country Where Removal is to be Directed.* — If the government of
19 the country designated in the preceding section will not accept the foreign national
20 into its territory, his/her removal shall be directed by the Commissioner in his/her
21 discretion and without necessarily giving preference, either to:

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

27
28 *SEC. 84. Obligation of Owner, Operator, Master, Captain, Pilot, Agent or*
29 *Consignee.* — It shall be unlawful for an owner, operator, master, captain, pilot,
30 agent, or consignee of a vessel to refuse or fail to:

- 31 (a) Board a foreigner ordered excluded and removed under Section 78 hereof
32 in the same vessel or another vessel owned or operated by the same company;
33 (b) Detain a foreign national on board any such vessel at the port of arrival
34 when required by this Act or when so ordered by an Immigration Officer;
35 (c) Deliver a foreign national for medical or other examinations when so
36 ordered by such officer;
37 (d) Remove a foreign national from the Philippines to the country to which
38 his/her removal has been directed; or
39 (e) Pay the cost of detention and other expenses incidental thereto of a
40 foreign national incurred while being detained as required by Section 82 of this Act
41 or other costs necessary or incidental to his removal as provided in this Act.

42

1 both imprisonment and deportation, said foreigner shall first serve the entire period
2 of his/her sentence before being deported: *Provided, further,* That the penalty of
3 imprisonment may be waived by the President upon payment by the foreigner
4 concerned of such costs, fines and/or damages, if any, awarded to the government
5 or any aggrieved party,;

6 (i) Those who, at any time after entry, are engaged in acts or omissions
7 punishable under Philippine penal laws cognizable by the Regional Trial Courts and
8 the Sandiganbayan;

9 (j) Those who, at any time after entry, are convicted by final judgment of a
10 crime punishable under Philippine penal laws cognizable by the first level courts;

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

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

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

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

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

24 (p) Those who forge, counterfeit, alter or falsely make any document; or use,
25 attempt to use, possess, obtain, accept or receive or provide any forged, counterfeit,
26 altered or falsely made document; or use, attempt to use, provide, attempt to
27 provide, accept or receive a genuine document, even of another person, without
28 authority to do so for the purpose of satisfying or complying with the requirements
29 for his/her stay in the Philippines; and

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

33
34 *SEC. 87. Non-Prescription of Deportation Cases.* – The right of the State to
35 initiate at any time deportation proceedings shall not prescribe: *Provided,* That no
36 deportation proceedings and orders shall be had against foreigners facing
37 preliminary investigation, prosecution and trial before competent authorities.

38
39 CHAPTER 2
40 DETENTION AND DEPORTATION OF FOREIGN NATIONALS

41
42 *SEC. 88. Issuance of Summons.* – If the Commissioner determines that there

1 exists a reasonable ground to deport a foreigner pursuant to Section 86 of this Act,
2 he/she may issue summons requiring the foreigner to appear in person before the
3 designated investigating officer at the time, date and place stated therein.
4

5 *SEC. 89. Authority to Issue Letter Order.* — The Commissioner may issue a
6 letter order for the detention of a foreigner if he/she determines that a probable
7 cause exists for the filing of deportation charges against a foreigner for violation of
8 immigration and other related laws, rules and regulations or there is a strong
9 probability that a deportable foreigner may flee from his/her place of abode, go into
10 hiding or surreptitiously leave the country.
11

12 *SEC. 90. Formal Charge of Deportation.* — A formal charge for deportation shall
13 be issued upon determination of the existence of a *prima facie* case against the
14 foreigner. Pending final determination of his/her deportation case, the foreigner
15 shall, upon the discretion of the Commissioner: (a) remain under detention; or (b)
16 be released on bail or recognizance. The bail may be revoked and confiscated in
17 favor of the government if there is sufficient evidence that the foreigner is evading
18 the proceedings or is attempting to abscond, in which case he/she shall be taken
19 into custody and placed under detention by order of the Commissioner.
20

21 *SEC. 91. Detention of a Foreigner Convicted of a Felony or an Offense.* — After
22 service of his/her sentence or compliance with the conditions of his/her parole or
23 probation, as the case may be, the foreigner shall be taken into custody and placed
24 under detention by order of the Commissioner. Pending final determination of the
25 deportation case, the foreigner may be ordered released under such terms and
26 conditions prescribed by the Commissioner.
27

28 *SEC. 92. Voluntary Deportation, When Authorized.* — In case the foreigner
29 does not contest the formal charge against him/her and opts to voluntarily leave the
30 country at his/her own expense, the Commissioner may waive the deportation
31 proceedings and order the departure within the period specified in the voluntary
32 deportation order, except in cases of violations of laws such as Republic Act No.
33 8042 otherwise known as the "Migrant Workers and Overseas Filipinos Act of 1995":
34 *Provided,* That he/she has not committed any criminal offense or has no pending
35 case in court: *Provided, further,* That the said foreigner so deported shall be barred
36 from re-entering the country without prior written authorization from the
37 Commissioner.
38

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

1
2 *SEC. 94. Period to Enforce Order of Deportation.* – The order of deportation
3 shall be enforced immediately but in no case shall exceed three (3) months from the
4 date it has become final and executory. If deportation is not enforced within the
5 prescribed period for reasons beyond the control of the Commissioner, the foreigner
6 shall remain in custody.

7
8 *SEC. 95. Suspension of Deportation Order.* – Upon application and payment
9 of the prescribed fees by the concerned foreigner, the Commissioner may suspend
10 the implementation of the deportation order and order his/her release for good
11 cause, taking into account the following factors:

- 12 (a) Age, health, family or conduct;
13 (b) Period of detention;
14 (c) Impact on national security and public welfare;
15 (d) Unavailability of travel documents;
16 (e) Existence of an application for refugee status; or
17 (f) Other humanitarian considerations.

18
19 *SEC. 96. Reinstatement of a Deportation Order.* – A deportation order
20 previously implemented against a foreigner who unlawfully re-entered the
21 Philippines shall be deemed automatically reinstated and shall be implemented in
22 accordance with this Act. This provision shall also apply to a foreigner who departed
23 voluntarily under Section 92 hereof.

24
25 *SEC. 97. Country of Destination of a Deportee.* – Except as provided for under
26 existing treaty or international agreement, a foreigner shall be deported to the
27 country of which he/she is a citizen or national, or to the country of his/her birth, or
28 to the country of which he/she is a resident, or to the country from which he/she
29 embarked for the Philippines, subject to the acceptance by the receiving country.

30
31 *SEC. 98. Existence of Danger in the Country Where a Foreigner is to be*
32 *Deported.* – No foreigner shall be deported to a country where there exists a danger
33 to his/her life or freedom on account of race, religion, nationality, political opinion or
34 membership in a particular political or social group, except in the following
35 circumstances:

- 36 (a) The foreigner participated, induced or cooperated in the persecution of
37 any person on account of race, religion, nationality, political opinion or membership
38 in a particular political or social group in the country where he/she is to be deported;
39 (b) The foreigner is a fugitive from justice in the country where he/she is to be
40 deported;
41 (c) The foreigner committed a serious non-political crime in the country where
42 he/she is to be deported; or

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

3
4 *SEC. 99. Cost of Deportation.* – The cost of deportation shall be borne by
5 the owner, operator, captain, master, pilot, agent or consignee of a vessel in case its
6 foreign crew member is to be deported for violation of Section 100 of this Act. In all
7 other cases, the cost of deportation shall be borne by the deportee himself/herself,
8 the concerned consular office, nongovernment organizations or people’s
9 organizations with which the Commission has an agreement on this matter, or from
10 the appropriations for the enforcement of this Act.

11
12 *SEC. 100. Liability of Owner, Operator, Captain, Master, Pilot, Agent or*
13 *Consignee of a Vessel.* – Failure or refusal on the part of the owner, operator,
14 captain, master, pilot, agent or consignee of a vessel to take on board, guard safely
15 and transport the deportee to his/her country of destination, or to shoulder the cost
16 of deportation of the foreign crew member as provided in Section 99 hereof, shall be
17 punished by an administrative penalty prescribed under this Act.

18
19 *SEC. 101. Expenses of Accompanying Person.* – The Commissioner may,
20 by reason of the mental or physical condition of the deportee, direct an employee of
21 the Commission to accompany such deportee to the country of his/her destination,
22 subject to the provisions of the immediately preceding sections.

23
24 CHAPTER 3
25 INDIGENT FOREIGNERS
26

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

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

37
38 TITLE VI
39 MISCELLANEOUS PROVISIONS
40 CHAPTER 1
41 REGISTRATION OF FOREIGN NATIONALS
42

1 *SEC. 103. Requirement of Registration.* — A temporary foreign visitor must
2 register with the Commission or any Immigration Office nearest his/her place of
3 residence on or before the sixtieth (60th) day of his/her arrival in the Philippines.
4

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

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

15 *SEC. 106. Presentation of Certificate of Registration.* — Every foreigner
16 required to register under this Act or the parent or guardian of such foreigner shall,
17 upon demand of any authorized immigration official, present his/her certificate of
18 registration, and failure to do so without justifiable cause shall be dealt with in
19 accordance with the provisions of this Act.
20

21 *SEC. 107. Reportorial Requirements.* — Every foreigner registered under this
22 Act shall, within the first sixty (60) days of every calendar year, report in person to
23 the Commission subject to the payment of prescribed fees. The parent or legal
24 guardian of foreigners below fourteen (14) years of age shall have the duty to
25 comply with the requirements prescribed under this Act.
26

27 *SEC. 108. Failure to Comply with Requirements.* — A foreigner, or his/her
28 parent or guardian, as the case may be, who, without justifiable reason, fails to
29 comply with all the requirements under this Act, or who files an application for
30 registration containing statements known by him/her to be false, or who utilizes
31 registration documents other than his/her own, shall be dealt with in accordance
32 with the provisions of this Act and other existing laws.
33

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

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CHAPTER 2
BONDS AND DEPOSITS

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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:

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(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.

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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.

1
2 CHAPTER 4
3 COOPERATION AND COORDINATION WITH OTHER OFFICES

4 *SEC. 114. Working Cooperation with the Department of Foreign Affairs.* – For
5 purposes of efficient implementation and administration of this Act, the Commission
6 shall maintain a working cooperation with the Department of Foreign Affairs.
7

8 *SEC. 115. Working Cooperation with the Commission on Higher Education.* –
9 The Commission shall maintain a working cooperation with the Commission on
10 Higher Education with respect to accreditation of schools and learning centers for
11 enrolment of foreign students as authorized under this Act.
12

13 *SEC. 116. Coordination with Law Enforcement, Security and Other Offices.* —
14 The Commissioner shall have authority to maintain coordination with the National
15 Security Council, the Philippine National Police, and other law enforcement agencies
16 of the government.

17 CHAPTER 5
18 FEES AND CHARGES
19

20 *SEC. 117. Authority of the Commissioner to Prescribe, Impose and Collect*
21 *Fees and Charges.* — The Commissioner is authorized to prescribe, impose and
22 collect fees and charges for services rendered pursuant to the provisions of this Act,
23 which shall take effect fifteen (15) days after the last publication thereof for two (2)
24 consecutive weeks in a newspaper of general circulation.

25 *SEC. 118. Head Fee.* — Every foreign national who is at least fourteen (14)
26 years of age and admitted to the Philippines for a temporary stay exceeding sixty
27 (60) days shall pay a head fee in an amount to be fixed by the Board.
28

29 CHAPTER 6
30 ADMINISTRATIVE FINES AGAINST VESSELS
31

32 *SEC. 119. Fine for Failure to Submit Crew List or Passenger Manifest, or*
33 *Failure to Account Every Passenger and Crew.* — Any pilot, master, agent, owner or
34 consignee of a vessel arriving at any port in the Philippines from a place outside
35 thereof who fails to submit to the immigration authorities a complete and accurate
36 crew list or passenger manifest, or fails to produce or account every crewmember or
37 passenger whose name appears in said list or manifest shall be subject to fines of
38 One hundred thousand pesos (P100,000.00) and Fifty thousand pesos (P50,000.00)
39 for each unaccounted person, respectively.
40

41 *SEC. 120. Fine for Violation of Obligation on the Landing or Removal of*
42 *Foreigners.* — A pilot, master, agent, owner or consignee of any vessel arriving at a

1 port of the Philippines from a place outside thereof in violation of this Act shall be
2 fined not less than Fifty thousand pesos (P50,000.00) but not more than Two
3 hundred thousand pesos (P200,000.00) for each violation.

4
5 *SEC. 121. Fine for Bringing Undocumented Foreigner, or Foreigner Afflicted*
6 *with Communicable or Contagious Disease, or Suffering from Mental Disorder. —*
7 The pilot, master, agent, owner or consignee of the vessel arriving at a port in the
8 Philippines from a place outside thereof bringing on board an undocumented
9 foreigner shall be fined One hundred thousand pesos (P100,000.00) for each
10 foreigner. If the foreigner is afflicted with a communicable or contagious disease or
11 is suffering from mental disorder, the fine shall be not less than Two hundred
12 thousand pesos (P200,000.00) but not more than Three hundred thousand pesos
13 (P300,000.00) for each foreigner.

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

23
24 *SEC. 123. Fine for Violation of Other Provisions of this Act. —* The pilot,
25 master, agent, owner or consignee of any vessel arriving at any port of the
26 Philippines from a place outside thereof who violates any other provision of this Act
27 not specifically provided in this Chapter shall be fined not less than Fifty thousand
28 pesos (P50,000.00) but not more than Two hundred thousand pesos (P200,000.00)
29 for each violation.

30
31 CHAPTER 7
32 OTHER PENAL PROVISIONS
33

34 *SEC. 124. Other Prohibited Acts and Penalties Thereof. —* Any person who
35 shall commit any of the acts specified hereunder shall, upon conviction, suffer the
36 penalty of *prision correccional* in its maximum period to *prision mayor* in its
37 minimum period or a fine of not less than One hundred thousand pesos
38 (P100,000.00) but not more than Five hundred thousand pesos (P500,000.00) or
39 both, at the discretion of the court:

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

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

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

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

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

11 (f) Knowingly makes under oath any false statement regarding any
12 immigration matter; or

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

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

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

34
35 *SEC. 125. Penalty for Non-compliance of Subpoena.* — Any person who,
36 having been duly served with a *subpoena*, fails to comply without valid and
37 justifiable reasons shall, upon conviction, suffer the penalty of imprisonment of not
38 more than fifteen (15) days or a fine of not more than One thousand pesos
39 (P1,000.00), or both, at the discretion of the court.

40
41 *SEC. 126. Penalty for an Overstaying Crewmember.* — Any foreign
42 crewmember who wilfully remains in the Philippines beyond the period allowed

1 him/her for temporary landing shall, upon conviction, suffer the penalty of
2 imprisonment of six (6) months or fine of not less than Fifty thousand pesos
3 (P50,000.00) but not more than One hundred thousand pesos (P100,000.00), or
4 both, at the discretion of the court.

5
6 *SEC. 127. Imposition of Maximum Penalty, When Applicable.* – A person
7 convicted under Republic Act No. 3019, as amended, otherwise known as the “Anti-
8 Graft and Corrupt Practices Act”, or other laws against corruption and bribery who
9 shall violate or circumvent any provisions of this Act shall, upon conviction, suffer
10 the maximum penalty for such offense as provided under this Act.

11
12 CHAPTER 8
13 FUNDING
14

15 *SEC. 128. Funding.* — In addition to its annual budget under the General
16 Appropriations Act, the Commission is hereby authorized to retain and use fifty
17 percent (50%) of its income derived from collection of immigration fees, fines,
18 penalties and charges to pay hazard pay, subsistence allowance and other monetary
19 benefits at rates fixed by the Commissioner and for maintenance and other
20 operating expenses, intelligence and law enforcement, information and
21 communication technology infrastructure, transportation facilities and other capital
22 outlay expenditures. The Commission is likewise hereby authorized to retain and use
23 its income in excess of the prescribed collection target.

24 CHAPTER 9
25

26 *SEC. 129. Staffing Pattern and Salary Schedule.* – To carry out the
27 provisions of this Act, the Commissioner shall submit a new staffing pattern and
28 salary schedule for personnel services to the Secretary of the Department of Budget
29 and Management for approval, which shall be in accordance with the Salary
30 Standardization Law and other applicable laws under the National Compensation and
31 Classification Plan.

32
33 *SEC. 130. Reorganization of the Commission.* — Upon approval of this Act,
34 all employees of the Bureau of Immigration covered by the civil service law
35 and regulations shall continue to hold their present positions pending the
36 reorganization of the Commission in accordance with the new staffing pattern:
37 *Provided,* That the salaries, wages, allowances and other benefits of incumbent
38 officers and employees of the Commission shall not be subject to diminution:
39 *Provided, further,* That in the event that the positions are abolished in
40 accordance with the reorganization, the affected employees shall be *retained*.
41 *Provided, finally,* That employees who have been dismissed for cause shall no longer
42 qualify for any position in the Commission.

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

4
5 *Approved,*