

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Third Regular Session

House Bill No. **10799**



Introduced by

SPEAKER FERDINAND MARTIN G. ROMUALDEZ
YEDDA MARIE K. ROMUALDEZ
and
JUDE A. ACIDRE

AN ACT
ESTABLISHING THE REFUGEES AND STATELESS PERSONS PROTECTION
OFFICE, PROVIDING FOR THE REFUGEE AND STATELESS PERSON STATUS
DETERMINATION PROCEDURE, SETTING FORTH THE OBLIGATIONS, RIGHTS
AND TREATMENT OF RECOGNIZED REFUGEES AND STATELESS PERSONS,
AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The Philippines has a deeply rooted culture of hospitality and compassion for others. Since the 1900s, it has served as a safe haven for vulnerable and marginalized refugees, asylum seekers, stateless persons, and populations at risk of statelessness who often face challenges within State systems.

In recent years, the country's steadfast commitment to providing a favorable and protective environment for these persons of concern (POC) has been reflected in our robust policy and legal framework. The Philippines is one of the few countries in the Asia-Pacific region to become a State Party to the *1951 Convention Relating to the Status of Refugees and its 1967 Protocol* in 1981. It is also the first country in Southeast Asia to ratify the *1954 Convention Relating to the Status of Stateless Persons* in 2011 and the *1961 Convention on the Reduction of Statelessness* in 2022. Furthermore, the Philippines has issued several executive orders and circulars that provide protection services for refugees, asylum seekers, and stateless persons.

However, despite these positive developments, the Philippines has yet to enact a comprehensive and enabling law for said persons of concern.

Thus, this bill seeks to institutionalize a Refugee and Stateless Status Determination Procedure, as well as outline the rights and obligations of refugees and stateless persons, in accordance with the 1951 Refugee Convention, its 1967 Protocol, and the 1954 Statelessness Convention. Further, this bill will enable the expansion of the current Refugees and Stateless Persons Protection Unit of the Department of Justice (DOJ-RSPPU) into an Office with allocated funding in the General Appropriations Act, with designated personnel equipped with expertise in refugee protection and addressing statelessness.

Through this bill, it is hoped that the State will be able to contribute to the vision set forth in the United Nations 2030 Agenda of ensuring safe, orderly, and regular migration, with full respect for human rights and the humane treatment of refugees and of displaced persons. It shall also fulfill the Philippines' commitments to enhance the legislative framework for refugees and stateless persons as manifested during the 2019 and 2023 Global Refugee Forum¹, the 2019 High-Level Segment on Statelessness², and the 2011 Ministerial Intergovernmental Event on Refugees and Stateless Persons³.

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



FERDINAND MARTIN G. ROMUALDEZ

Representative, 1st District of Leyte



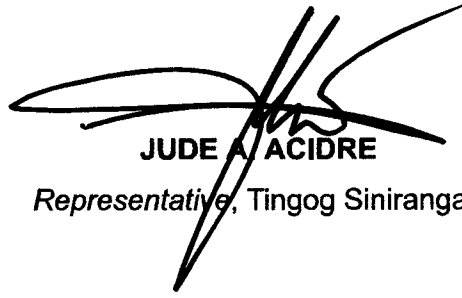
YEDDA MARIE K. ROMUALDEZ

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¹ United Nations High Commissioner for Refugees. (2019). *Global Refugee Forum*. <https://www.unhcr.org/events/conferences/5ecd458c4/outcomes-global-refugee-forum-2019.html>

² United Nations High Commissioner for Refugees. (2019). *High-Level Segment on Statelessness*. <https://www.unhcr.org/ibelong/results-of-the-high-level-segment-on-statelessness/>

³ Refworld. (2011). *Ministerial Intergovernmental Event on Refugees and Stateless Persons*. <https://www.refworld.org/docid/50aca6112.html>



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Representative, Tingog Sinirangan

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AND FOR OTHER PURPOSES.

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

Chapter 1
GENERAL PRINCIPLES

SECTION 1. *Short Title* – This Act shall be known as the “*Comprehensive Refugees and Stateless Persons Protection Act*”.

SECTION 2. *Declaration of Policy* – It is hereby declared the policy of the State to value the dignity of every human being, including refugees, asylum seekers, stateless applicants, stateless persons, and populations at risk of statelessness, and to guarantee the respect for individual rights. In pursuit of this policy, the State shall give priority to the enactment of measures and the development of programs that will

protect them from threats, violence, persecution, and exploitation, and ensure their reintegration into mainstream society.

In accordance with the principle that the Philippines adopts the generally accepted principles of international law as part of the law of the land, the State shall strive to address the vulnerabilities of these populations by codifying matters pertaining to their status, obligations, rights, and treatment, in keeping with their fundamental freedoms guaranteed under the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, the 1954 Convention Relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness, and any future international conventions on the subject matter to which the State will become a Party.

SECTION 3. *Basic Principles* – This Act shall be governed by the following principles:

- (a) **Non-discriminatory application** of the refugee and stateless status determination procedure, considering factors such as age, gender, disability, and diversity;
- (b) **Non-deprivation of refugee or stateless status and non-discrimination** in the application of the 1951 Refugee Convention and its 1967 Protocol and the 1954 Statelessness Convention, regardless of race, religion, political opinion, or country of origin;
- (c) **Preservation and promotion of family unity;**
- (d) **Best interest of the child** as the primary consideration in all actions concerning children, including those who are unaccompanied and separated; and
- (e) **Non-detention** on account of being stateless or a refugee.

SECTION 4. *Definition of Terms* – As used in this Act:

- (a) **1951 Refugee Convention** - refers to the 1951 United Nations Convention relating to the Status of Refugees;

- (b) 1967 Protocol** - refers to the 1967 Protocol Relating to the Status of Refugees;
- (c) 1954 Statelessness Convention** - refers to the 1954 United Nations Convention relating to the Status of Stateless Persons;
- (d) Applicant** - refers to a person who has submitted the Application, including their accompanying and applying Family Members, or, in the case of a child or incapacitated person, the person on whose behalf an Application was submitted;
- (e) Application** - refers to the formal written claim to refugee or stateless status, as the case may be, and initiates the status determination procedure;
- (f) Asylum seeker** - refers to a person who is seeking international protection and whose claim has not been finally decided upon;
- (g) Bureau** - refers to the Bureau of Immigration;
- (h) Child** - refers to a person below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of physical, mental, intellectual or sensory disability or condition;
- (i) Commissioner** - refers to the Commissioner of the Bureau;
- (j) Country of Origin** - refers to (i) the country to which an Asylum Seeker is a national or citizen; (ii) the country of the Asylum Seeker's former habitual residence, if not having a nationality; or (iii) the country to which a stateless Applicant is a habitual resident;
- (k) DFA** - refers to the Department of Foreign Affairs;

- (l) **Durable solutions** - refer to the satisfactory and permanent resolution of refugee or stateless status ensuring national protection for their civil, cultural, economic, political and social rights;
- (m) **Family Members** - refer to the legal spouse and/or child of the Applicant;
- (n) **Non-refoulement** – refers to a principle of customary international law which provides that no State shall expel or return a refugee in any manner whatsoever, to the frontiers of territories where their life or freedom would be threatened on account of their religion, nationality, membership in a particular social group, or political opinion;
- (o) **Protection** - refers to all activities aimed at ensuring full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law, such as human rights law, humanitarian law, and refugee and statelessness law;
- (p) **Protection Officer** - refers to an officer of the Refugees and Stateless Persons Protection Office who evaluates the claims of the Applicant to refugee and stateless status and their eligibility for protection;
- (q) **Persons of Concern (POC)** - collectively refers to refugees, asylum seekers, stateless applicants, stateless persons, and populations at risk of statelessness;
- (r) **PSA** - refers to the Philippine Statistics Authority;
- (s) **Recognized Refugee or Stateless Person** - refers to an Applicant who has been determined as a refugee or stateless person by the Refugees and Stateless Persons Protection Office;
- (t) **Refugee** - refers to a person, who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of their

nationality and is unable or, owing to such fear, is unwilling to avail themselves of the protection of that country; or who, not having a nationality and being outside the country of their former habitual residence, is unable or, owing to such fear, is unwilling to return to it;

(u) Refugees and Stateless Persons Protection Office (RSPPO) - refers to the office that will evaluate the claims of Applicants and their eligibility for protection;

(v) Secretary - refers to the Secretary of Justice;

(w) Stateless Person - refers to a person who is not considered as a national by any State under the operation of its law; and

(x) UNHCR - refers to the United Nations High Commissioner for Refugees.

Chapter 2

REFUGEES AND STATELESS PERSONS PROTECTION OFFICE

SECTION 5. *Refugees and Stateless Persons Protection Office.* - There is hereby created the Refugees and Stateless Persons Protection Office (RSPPO) as an attached agency of the Department of Justice (DOJ). The RSPPO shall be independent and autonomous but attached to the DOJ for purposes of policy and program coordination.

SECTION 6. *Powers and Functions.* – The RSPPO shall have the following functions:

- (a) Facilitate identification, registration, status determination, and protection of refugees and stateless persons under the terms of this Act;
- (b) Establish and implement a fair, efficient, and non-adversarial procedure to facilitate identification, treatment, and protection of refugees and stateless

- persons, including applicants, in accordance with this Act, international law, and humanitarian tradition of the Republic of the Philippines;
- (c) Issue visas and other relevant documentation to refugees, asylum seekers, stateless applicants, and stateless persons in accordance with applicable laws, rules, and regulations. The requirements and validity of such documentation shall be guided by the implementing rules and regulations, considering the specific circumstances and vulnerabilities of these individuals;
 - (d) Formulate and coordinate the development, implementation, monitoring, and evaluation of government policies, plans, and programs, including their integration into development, sectoral and emergency response and recovery frameworks, towards the protection and pursuit of durable solutions for and with POC;
 - (e) Coordinate with relevant agencies to ensure access to services, including the provision of shelter to refugees, asylum seekers, stateless applicants, and stateless persons, in coordination with the Department of Human Settlements and Urban Development (DHSUD) and local government units (LGUs);
 - (f) Assist and coordinate with government agencies, non-government organizations, the UNHCR, and other United Nations agencies, as necessary, to consider and facilitate measures aimed at finding durable solutions for refugees and stateless persons, ensuring their protection and access to appropriate assistance and services; and
 - (g) Perform such acts as may be necessary implement the provisions of this Act and other related laws, rules, and regulations pertaining to refugees and stateless persons.

SECTION 7. *Composition.* – The RSPPO shall be headed by an Executive Director who shall be assisted by the following:

- (a) Three (3) Deputy Directors on refugee protection, addressing statelessness and on administrative and financial matters;
- (b) Five (5) Senior Protection Officers;
- (c) Ten (10) Associate Protection Officers; and
- (d) Such number of personnel, as may be necessary, to enable the RSPPO to effectively and efficiently execute its mandate.

The Executive Director and Deputy Directors shall be appointed by the President. All other officials and personnel of the RSPPO shall be appointed by the Executive Director.

SECTION 8. *Minimum Requirements for Qualification* - No person shall be appointed as Executive Director unless such person has been engaged in the practice of law for at least ten (10) years, with at least eight (8) years of experience or exposure in the field of refugee and statelessness matters and/or human rights. The Executive Director shall have the same qualifications for appointment, rank, category, salary grade, salaries, benefits, allowances, and other emoluments as those of an Undersecretary.

No person shall be appointed as Deputy Director unless they have at least six (6) years of experience or exposure in the field of refugee and statelessness matters and/or human rights; *Provided*, that at least two (2) Deputy Directors must be members of the Philippine Bar with at least six (6) years of legal experience. They shall have the same qualifications for appointment, rank, category, salary grade, salaries, benefits, allowances, and other emoluments as those of an Assistant Secretary.

Senior Protection Officers must have at least four (4) years of experience or exposure in the field of refugee and statelessness matters and/or human rights.

Associate Protection Officers must have at least two (2) years of experience or exposure in the field of refugee and statelessness matters and/or human rights; *Provided*, that at least eight (8) Protection Officers must be members of the Philippine Bar.

Personnel of the RSPPO shall be selected based on qualifications determined by the Executive Director in accordance with civil service laws, rules, and regulations.

The Executive Director shall determine the functions and responsibilities of the Protection Officers in accordance with existing laws, rules, and regulations.

Chapter 3

REFUGEE AND STATELESS STATUS DETERMINATION PROCEDURE

SECTION 9. *Refugee and Stateless Status Determination Procedure.* – The RSPPO shall establish a free, fair, speedy, and non-adversarial Refugee and Stateless Status Determination (RSSD) procedure. The procedure may be classified as regular or accelerated depending on the circumstances of the Applicant.

SECTION 10. *Application.* – In general, the Application may be filed directly with the RSPPO or in the central office or any field office of the Bureau.

For applications filed in ports of entry (airports or seaports), the Application is initiated by a declaration of the arriving alien before the immigration officer or port personnel of their intention to seek asylum in the Philippines.

In cases where the Applicant is detained in any government detention facility, the Applicant or their counsel may file an Application for an accelerated procedure with the Warden or the Head of the government detention facility where the Applicant is detained.

In case the Application is filed with the Bureau, ports of entry, or government detention facility, the Commissioner or the head of the Bureau's field office, or the Warden or Head of the government detention facility, as applicable, shall forward the Application to the RSPPO, together with relevant documentation and evidence to support the claim to refugee or stateless status, where available.

In cases where it is not feasible for the Applicant to personally file their Application, the intention to apply for recognition as a refugee or stateless person may be expressed through other means as established under the implementing rules and regulations.

At any time prior to the rendering of the decision, the Applicant may submit additional documents, statements, and pleadings to supplement the Application.

SECTION 11. *Suspensive Effect of the Application.* - Any proceeding for the deportation or exclusion of the Applicant and/or their Family Members shall be suspended upon the filing of the Application until a final determination of their status has been reached, regardless of the stage of the proceedings. The Applicant, together with their Family Members, if relevant, who may be detained for an immigration-related violation, may be released from custody upon the order of the Executive Director or a duly authorized representative, based on the recommendation of the Executive Director, subject to the conditions that the former may impose.

The Executive Director, in the exercise of the power to release Applicants and/or their Family Members from detention, may take into consideration their special needs and/or circumstances, such as if they are survivors of trauma or torture, survivors or potential victims of trafficking, children, persons with disability, and/or the elderly.

The Commissioner shall implement the order of release and inform the RSPPO of the action taken.

SECTION 12. *Durable Solutions.* – For refugees, a durable solution requires re-establishment of a permanent legal status and generally involves voluntary repatriation, local integration, or resettlement. For stateless persons, the only durable solution is the acquisition or confirmation of nationality.

SECTION 13. *Priority of Refugee Status Determination.* – Where in the Application for recognition as a stateless person or in the processing thereof, a

refugee claim appears to exist, the stateless status determination shall, with the consent of the Applicant, be suspended and the Application shall be considered first for refugee status determination. If the claim to refugee status is denied with finality, the stateless status determination shall automatically recommence.

SECTION 14. *Burden of Proof.* - The burden of proof in a claim to refugee or stateless status rests on the Applicant. However, the duty to ascertain and evaluate all the relevant facts is a shared and collaborative effort between the Applicant and the Protection Officer.

The Applicant has the obligation to provide an accurate, full, and credible account or proof in support of their claim and to submit all relevant evidence that is reasonably available. The Protection Officer shares the duty to ascertain and evaluate all relevant facts of the case.

For this purpose, the Executive Director, Deputy Directors, and Protection Officers are authorized to administer oaths.

SECTION 15. *Rights of an Applicant.* - From the time of the filing of the Application, until the finality of the decision on the Application, the Applicant shall have the following rights:

- (a) To legal counsel, including legal representation and counselling from the Public Attorney's Office, subject to its rules and regulations;
- (b) To be informed and have access to the procedure and to due process;
- (c) To the extent possible, have the Applicant's interview conducted in a private, secure, and appropriate location, and in a confidential manner;
- (d) To participate in the procedure in a language and manner they understand, and to have access to the services of an interpreter, if necessary;
- (e) To have access to the UNHCR;
- (f) To have protection from any forcible return in any manner whatsoever, to a country where one may face persecution on account of one's race, religion, nationality, membership of a particular social group or political opinion;

- (g) To be free from punishment on account of their illegal entry or presence in the country, provided they present themselves to the authorities and/or show good cause for their illegal entry or presence; and
- (h) To access protection services as may be provided under existing laws, rules and regulations.

Nothing herein shall be construed in a manner that diminishes the enjoyment of such rights. Applicants shall have the right to avail themselves of greater rights provided under international human rights conventions and treaties of which the Philippines is a State Party, as well as under existing laws, rules, and regulations, including those granted under this Act.

SECTION 16. *Group-based procedures.* - The RSPPO may activate group-based recognition procedures for large-scale situations characterized by the arrival across an international border of persons in need of international protection in such numbers and at such rate as to render individual determination of their claims impracticable.

SECTION 17. *Security Clearance.* - Prior to the issuance of a decision recognizing the refugee or stateless status, the RSPPO shall forward the relevant personal information of the Applicant to the appropriate government security agency for vetting any derogatory information that may affect the application.

In vetting applications for refugee or stateless status, the principles under relevant international human rights law shall be considered.

Verification and regular security vetting shall also apply and form part of the process for group-based procedures.

Chapter 4

RENDERING, FINALITY, AND EFFECTS OF THE DECISION AND MODES OF APPEAL

SECTION 18. *Decision.* - A written decision on the Application shall be rendered by the RSPPO within a prescribed period. A decision denying recognition of the Applicant may be appealed pursuant to Sections 20 and 21, Chapter 4 of this Act and in accordance with existing rules and regulations.

SECTION 19. *Request for Reconsideration.* – If the Application is denied, the Applicant or their counsel may file a request for reconsideration of the decision denying the Application. This must be filed with the RSPPO or appropriate authority within a prescribed period and based on any meritorious circumstances identified under the implementing rules and regulations of this Act.

SECTION 20. *Administrative Appeal to the Office of the President.* - A decision or resolution of the RSPPO denying an Application or a request for reconsideration may be appealed to the Office of the President (OP) under the principle of exhaustion of administrative remedies and in accordance with the rules and regulations governing appeals on RSSD cases to the OP.

SECTION 21. *Judicial Appeal.* - In line with the Rules of Court, the Applicant may seek judicial review of the decision or resolution on the request for reconsideration of the decision of the OP.

SECTION 22. *Finality of the Decision.* - The decision is deemed final where the Applicant did not request for reconsideration of the decision or seek any administrative or judicial remedy under Sections 20 and 21, Chapter 4 of this Act.

SECTION 23. *Effects of Recognition.* - The recognition of the Applicant as a refugee or stateless person shall have the following effects:

- (a) The benefits derived from this recognition shall also, as appropriate, extend to Family Members who are present in the Philippines;
- (b) They shall enjoy the same treatment accorded to aliens in general, unless otherwise provided in this Act; and
- (c) After a period of three (3) years of residence, all recognized refugees and stateless persons shall be exempt from reciprocity required by law.

Chapter 5

EXCLUSION

SECTION 24. *Persons Excluded* – This Act shall not apply to the following:

- (a) Persons who are currently receiving protection or assistance from organs or agencies of the United Nations other than the UNHCR, as long as they are receiving such protection or assistance.

If this protection or assistance ceases for any reason, and their status remains unresolved in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall *ipso facto* be entitled to the benefits of this Act.

- (b) Persons who are recognized by the competent authorities of the country in which they reside as having the rights and obligations which are attached to the possession of the nationality of that country; and

- (c) Persons who, for serious reasons, are considered to have committed any of the following:

1. Crimes against peace, war crimes, or crimes against humanity, as defined in international instruments addressing such crimes;
2. Serious non-political crime outside the Philippines prior to their admission to the Philippines; or
3. Acts contrary to the purposes and principles of the United Nations.

Chapter 6

CANCELLATION, REVOCATION, AND CESSATION OF REFUGEE OR STATELESS STATUS

SECTION 25. *Cancellation of Refugee or Stateless Status.* - The refugee or stateless status shall be cancelled if:

- (a) The recognition was granted erroneously as a result of intentional misrepresentation or concealment by the Applicant or a third party of facts that were material to the determination of the claim;
- (b) New evidence shows that the Applicant ought not to have been recognized in the first place;
- (c) Recognition was granted on the basis of a material mistake of fact or law; or
- (d) Misconduct by the Applicant, including but not limited to threats or bribery, was the motivating factor for the recognition of refugee or stateless status.

SECTION 26. *Revocation of Refugee Status.* - The refugee status shall be revoked if, subsequent to recognition, refugees engage in conduct that would bring them within the exclusion grounds under Sections 24(c)(1) and 24(c)(3), Chapter 5 of this Act.

SECTION 27. *Revocation of Stateless Status.* - The stateless status shall be revoked if there are serious reasons to believe that, after recognition, stateless persons engage in conduct that would bring them within the exclusion grounds under Chapter 6 of this Act.

SECTION 28. *Cessation of Refugee Status.* - The refugee status shall cease if a Refugee:

- (a) Voluntarily re-availed of the protection of the country of their nationality;
- (b) Voluntarily re-acquired their lost nationality;
- (c) Voluntarily acquired a new nationality and enjoys the protection of that country;

- (d) Voluntarily re-established themselves in the country they left, or outside of which they remained owing to fear of persecution;
- (e) Enjoys the protection from the country of their nationality, because the reasons in connection with which they were granted refugee status have ceased to exist; *Provided*, that this paragraph shall not apply to a refugee who is able to invoke compelling reasons arising out of previous persecution for refusing to avail themselves of the protection of the country of their nationality; or
- (f) Not having a nationality, returned to their country of habitual residence due to changed circumstance; *Provided*, that this paragraph shall not apply to a refugee who is able to invoke compelling reasons arising out of previous persecution for refusing to avail themselves of the protection of the country of their former habitual residence.

SECTION 29. *Cessation of Stateless Status.* - The stateless status shall cease when a stateless person acquires a nationality.

SECTION 30. *Application for Cancellation, Revocation or Cessation.* - A refugee or stateless person may apply, personally or by electronic means, with the RSPPO for the cancellation, revocation or cessation of their own refugee or stateless status, providing justification and necessary documents in support of the application.

SECTION 31. *Motu proprio re-examination or re-assessment of refugee or stateless status.* - The RSPPO may review and assess, *motu proprio*, the status of a refugee or stateless person under circumstances that may have come to its attention, including information from any interested person that justifies a re-examination or re-assessment for the cancellation, revocation, or cessation of such status.

SECTION 32. *Decision in cases of Cancellation, Revocation or Cessation.* - The refugee or stateless status of a person shall not be cancelled, revoked, or ceased unless pursuant to a decision rendered by the RSPPO and after observance of due process of law.

SECTION 33. *Request for Reconsideration and Appeal.* - A refugee or stateless person or their counsel may request for reconsideration of the decision within a prescribed period.

The refugee or stateless person may appeal to the OP or the courts pursuant to Sections 20 or 21, Chapter 4 of this Act within the period prescribed under existing rules and regulations.

SECTION 34. *Effects of Finality of Decision Denying Recognition.* - The RSPPO shall inform the Bureau of the finality of the denial of the Application. Said denial converts the Applicant's asylum or stateless case into an immigration matter. The Applicant shall be afforded sufficient time to leave the country unless they hold another immigration status, or the Commissioner has authorized the Applicant's continued stay. Any immigration proceeding that has been suspended pursuant to Section 11, Chapter 3 of this Act may be reactivated.

Chapter 7

REMOVAL

SECTION 35. *Removal of a Refugee or a Stateless Person.* – Subject to due process, a refugee or stateless person may be removed from the Philippine territory:

- (a) On grounds of national security or public order; or
- (b) When they have been convicted with finality of a crime punishable by more than six (6) years of imprisonment and is considered a danger to the community.

Chapter 8

RIGHTS, OBLIGATIONS, AND TREATMENT OF PERSONS OF CONCERN

SECTION 36. *General Obligations.* – Recognized refugees, stateless persons, and other POC shall comply with Philippine laws and regulations as well as with the measures taken for the maintenance of public order.

SECTION 37. *Right to Freedom of Religion.* – Recognized refugees, stateless persons, and other POC shall enjoy the right to freedom of religion and its free exercise in the same manner as Filipino citizens.

SECTION 38. *Right to Identity and Travel Documents.* - Recognized refugees, stateless persons, and other POC shall be issued identity papers and travel documents for the purpose of travelling outside their territory, unless compelling reasons of national security or public order dictate otherwise. They shall also be given consideration for the issuance of travel documents if they are unable to obtain such documents from their country of lawful residence.

SECTION 39. *Refugee and Stateless Seafarers.* – Recognized refugees and stateless persons regularly traveling as crew members on board Philippine-registered vessels shall be given access to Refugee and Stateless Determination Procedures.

SECTION 40. *Movable Property.* – Recognized refugees and stateless persons shall have the right to acquire movable property and other rights pertaining thereto, including leases and other contracts concerning movable property, in the same manner as foreign nationals.

SECTION 41. *Intellectual Property.* - Recognized refugees and stateless persons shall have the same right as Filipino citizens with respect to intellectual property, including inventions, designs, models, trademarks, trade names, and rights in literary, artistic, and scientific works.

SECTION 42. *Right to Association.* – Regarding non-political and non-profit associations and trade unions, recognized refugees and stateless persons shall be accorded the same treatment as foreign nationals.

SECTION 43. *Access to Courts and Legal Assistance.* – Recognized refugees, stateless persons, and other POC shall have the same rights as Filipino citizens with respect to access to the justice system, including access to courts, legal assistance, counselling, and representation through the Public Attorney's Office. They shall also benefit from indigency standards that will entitle them to exemption from the payment of filing, docket, and other similar fees subject to applicable laws, rules, and regulations.

SECTION 44. *Public Relief.* – Recognized refugees and stateless persons shall be entitled to the same right as Filipino citizens with public relief and assistance, including but not limited to inclusion in social welfare, health, subsistence, and emergency response and recovery programs.

SECTION 45. *Gainful and Decent Employment.* – Recognized refugees and stateless persons shall be exempt from securing an Alien Employment Permit (AEP) for engaging in wage-earning and self-employment activities; *Provided, however,* that a special work permit may be issued by the Bureau while their application for refugee or stateless status determination is pending.

For the exercise of professions, the citizenship requirement for taking national board examinations regulated by the Professional Regulation Commission is waived for recognized refugees and stateless persons upon compliance with appropriate requirements.

Recognized refugees and stateless persons are also exempt from securing authorization from the Secretary of Justice for participating in an industry as provided in Commonwealth Act No. 108, otherwise known as the *Anti-Dummy Law*, as amended.

SECTION 46. *Housing.* – Recognized refugees and stateless persons shall have the same rights to housing as foreign nationals generally in the same circumstances.

SECTION 47. *Public Education and Recognition of Prior Learning.* – Recognized refugees and stateless persons shall have the same right to basic and

secondary education as Filipino citizens. They shall be accorded the same rights as foreign nationals with respect to secondary and tertiary education, including access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges, and the award of scholarships.

SECTION 48. *Labor Legislation and Social Security.* – Recognized refugees and stateless persons shall be accorded the same treatment as Filipino nationals with respect to labor standards and social security under the Labor Code and other applicable Philippine social security legislations, subject to conditions prescribed therein.

The right to compensation for the death of a refugee or a stateless person resulting from employment injury or from occupational disease shall not be affected notwithstanding the residence of the beneficiary outside Philippine territory.

SECTION 49. *Freedom of Movement.* – Recognized refugees and stateless persons shall have the right to choose their place of residence and to move freely within Philippine borders, subject to regulations generally applicable to foreign nationals.

SECTION 50. *Fiscal Charges.* – Recognized refugees and stateless persons shall be entitled to the same treatment as Filipino citizens with respect to duties, charges, or taxes, except for fees or charges related to the issuance of administrative documents and identity papers issued to foreign nationals.

SECTION 51. *Administrative Assistance.* – The RSPPO, DFA, Bureau, Philippine Statistics Authority, and other relevant agencies shall assist refugees or stateless persons in exercising rights that would normally require the action of authorities of a foreign country to which they cannot have recourse. Assistance may include:

1. Delivery or causing the delivery to refugees or stateless persons of such documents or certifications as would normally be delivered to foreign nationals by or through their national authorities;

2. In lieu of official instruments and in the absence of proof to the contrary, giving credence to such delivered documents or certifications; and
3. Charging moderate fees for these services, subject to exceptional treatment for indigent persons, but such fees shall be reasonable and comparable to those charged to foreign nationals for similar services.

Under no circumstance shall an Applicant be asked to approach authorities in their country of origin to obtain documents or take other steps that would place their remaining family members or associates in the country of origin at risk.

SECTION 52. *Naturalization.* – The State shall, as far as practicable, facilitate the integration and naturalization of recognized refugees and stateless persons. It shall endeavor to expedite both administrative and judicial naturalization proceedings and to minimize the charges and costs of such proceedings.

Chapter 7

MISCELLANEOUS PROVISIONS

SECTION 53. *Monitoring of Human Rights Situation of POC.* - The Commission on Human Rights (CHR) shall monitor the human rights situation of POC in exercise of its Constitutional mandate.

SECTION 54. *Data Protection.* - The information provided by an Applicant under this Act and in other information management activities shall be confidential. The information collected may be used to make a determination of the veracity of the factual statements in the Application and other legitimate purposes in line with the provision of protection and durable solutions for and with persons of concern (POC). The RSPPO shall ensure that the processing of personal information is compliant with the requirements of Republic Act No. 10173, otherwise known as the *Data Privacy Act of 2012* and other laws, rules, and regulations allowing disclosure of information to specific agencies and adherence to the principles of transparency, legitimate purpose, and proportionality.

SECTION 55. Data Sharing with Other Agencies. - Where effective cooperation between RSPPO and its partners, including other government agencies and non-government organizations, requires the exchange of personal data of refugees, asylum seekers, and Applicants, such exchange shall be governed by the provisions of Republic Act No. 10173, otherwise known as the *Data Privacy Act of 2012*, and by the respective Data Sharing Agreements, where applicable. The sharing of information with UNHCR shall be governed by the related provisions in the Conventions and other applicable international instruments.

SECTION 56. Local Integration. - Local government units (LGUs) shall determine avenues to support and integrate POC within their communities through the conduct of information and awareness campaigns and provide the necessary programs and services to facilitate such integration into local development frameworks, including development programming and emergency response and recovery frameworks.

SECTION 57. Engagement with Non-government Entities. - The RSPPO may engage with civil society organizations, non-government organizations, the private sector, the academe, communities of POC, faith-based organizations, relevant people's organizations, and UN agencies to ensure collaborative implementation of this Act and to broaden the support network available to refugees, stateless persons, and Applicants.

SECTION 58. Applicants who may also be Victims - The principles governing the treatment of Applicants who may also be victims, such as, but not limited to survivors of trafficking, shall be considered to ensure that protection is available for both circumstances under existing laws, rules, and regulations.

SECTION 59. Complementary Protection Mechanism. – Notwithstanding the primacy of the Refugee and Stateless Status Determination Procedure under this Act, a fair, just, and speedy complementary protection mechanism shall be established to ensure the protection of individuals who are not POC and who may be at risk of torture or other cruel, inhumane, and degrading treatment or punishment in another State pursuant to Section 17 of Republic Act No. 9745, otherwise known as the *Anti-Torture Act of 2009*, and the *Convention against Torture and Other Cruel*,

Inhuman or Degrading Treatment or Punishment. The procedure for the complementary protection mechanism shall be guided by the implementing rules and regulations of this Act.

SECTION 60. *Transition Period.* – Except for the designated personnel of the Department of Justice – Refugees and Stateless Persons Protection Unit (DOJ-RSPPU), the functions, duties, and transactions of the RSPPU shall be transferred to the RSPPO within six (6) months from the effectivity of this Act during which the RSPPU shall continue to function in holdover capacities until appointments of RSPPO personnel are issued.

Accordingly, all applications for recognition of refugees and stateless persons and cases pending with the RSPPU upon the effectivity of this Act and filed during the transition period shall continue to be acted upon by the RSPPU.

SECTION 61. *Appropriations.* - The amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following the enactment hereof and every year thereafter.

SECTION 62. *Implementing Rules and Regulations.* - Within ninety (90) days after the effectivity of this Act, the DOJ in consultation with the Bureau, Department of Social Welfare and Development, DFA, Department of Education, Department of Labor and Employment, Department of Health, Department of Human Settlements and Urban Development, Department of Trade and Industry, Department of the Interior and Local Government, Department of Transportation, PSA, Commission on Higher Education, Technical Education and Skills Development Authority, Civil Aviation Authority of the Philippines, Manila International Airport Authority, National Housing Authority, Bureau of Immigration, Public Attorney's Office, Professional Regulation Commission, Philippine Charity Sweepstakes Office, Philippine Health Insurance Cooperation, Commission on Human Rights together with civil society organizations, non-government organizations, the private sector, the academe, POC, faith-based organizations and relevant people's organizations, and UN agencies shall prepare and issue the Implementing Rules and Regulations (IRR).

The IRR shall take effect fifteen (15) days following its complete publication in two (2) newspapers of general circulation.

SECTION 63. *Repealing Clause.* - All laws, decrees, executive orders, rules, and regulations, which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 64. *Separability Clause.* - If for any reason, any portion or provision of this Act shall be held unconstitutional or invalid, all other parts or provisions not affected shall continue to remain in full force and effect.

SECTION 65. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved.