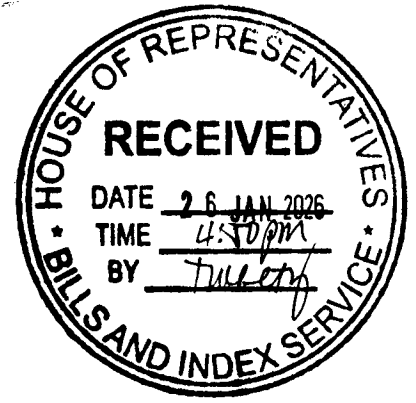


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 7334



Introduced by **REPRESENTATIVE AUDREY KAY T. ZUBIRI**

THE PHILIPPINE IMMIGRATION ACT
EXPLANATORY NOTE

The primary statute governing immigration in our country, Commonwealth Act No. 613, or the “Philippine Immigration Act of 1940”, was enacted over eighty years ago. At the time of its passage, the Philippines was a Commonwealth government under the United States, global air was in its infancy, and the digital frontier did not exist. This outdated law renders our immigration system ill-equipped to handle the complexities of the 21st century.

In an increasingly globalized age, our borders have been made porous by rapid technological advancements. The ease of international travel and the speed of digital communication require a State that can modernize its structures and mechanisms to effectively monitor entry and exit. This proposed measure aims to transition the Bureau to a Commission on Immigration that is professionalized, technologically capable, and fiscally autonomous to upgrade its own systems.

Furthermore, this bill seeks to institutionalize the government’s protection to deny the use of Philippine territory to those engaged in terrorism, human smuggling, and other nefarious activities that threaten international order and justice. It also administers a modern visa system, including strict quotas for immigrants and rationalized non-immigrant categories. It balances strict enforcement with the promotion of trade, commerce, and the admission of foreign nationals who enhance our capital investments.

By elevating our immigration measures, we not only secure our borders but also establish the Philippines as a competent and formidable force in the international landscape.

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

A stylized, handwritten signature in black ink, featuring a series of horizontal strokes followed by a large, looping '2'.

AUDREY KAY T. ZUBIRI

Representative, 3rd District of Bukidnon

Republic of the Philippines
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HOUSE BILL NO. **7334**

Introduced by **REPRESENTATIVE AUDREY KAY T. ZUBIRI**

THE PHILIPPINE IMMIGRATION ACT

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

1 **SECTION 1. Short Title.** – This Act shall be known as the “*Philippine Immigration*
2 *Act*”.

3
4 **SEC. 2. Declaration of Policy.** — In relation to other states, the Philippines shall give
5 paramount consideration to national sovereignty, territorial integrity, national security,
6 national interest, and the right to self-discrimination, as it adheres to the policy of peace,
7 cooperation and amity with all nations. Toward this end, Philippine immigration policies, rules
8 and regulations under this Act shall be applied and administered in the promotion of domestic
9 and international interests of the Philippines, in recognition of:

10
11 (a) The admission of foreign nationals for the purpose of enhancing capital
12 investments, trade and commerce, cultural exchanges and other forms of friendly
13 relations and cooperation;

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

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

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

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

- 1 (f) Modernization of structures and mechanisms necessary for the administration of
2 immigration laws in keeping with the changing demands of the country's role in the
3 global community; and
4 (g) Professionalization of the immigration service by instituting a rigid system of
5 screening and selection of immigration officials and employees and promoting their
6 development.

7
8 **SEC. 3. *Definition of Terms.*** — As used in this Act, the following terms are defined as
9 follows:

- 10
11 (a) "*Admission*" refers to the process by which a foreigner arriving at a port of entry in
12 the Philippines is allowed into the country by the immigration authorities;
13 (b) "*Board*" refers to the Board of Commissioners;
14 (c) "*Border Control Officer*" refers to any person tasked to man the border control
15 station as provided under Section 26 of this Act;
16 (d) "*Captain*" refers to the master of a vessel or pilot of an aircraft;
17 (e) "*Child*" refers to a person below eighteen (18) years of age;
18 (f) "*Citizen*" refers to any person who is a citizen of the Philippines under Section 1,
19 Article IV of the Constitution of the Republic of the Philippines;
20 (g) "*Commission*" refers to the Commission on Immigration;
21 (h) "*Commissioner*" and "*Deputy Commissioner*" refer to the Commissioner of
22 Immigration and the Deputy Commissioner of Immigration, respectively;
23 (i) "*Commitment Order*" refers to an order issued by the Commissioner under Section
24 7 (c) (2) of this Act that directs the detention of a foreigner after it has been
25 determined that a probable cause exists that he/she committed acts and/or omissions
26 in violation of Philippine immigration laws, rules and regulations, or during the
27 pendency of deportation case against such foreigner: Provided, That such detention
28 shall not exceed three (3) months, unless there exists other legal grounds for
29 continued detention;
30 (j) "*Consular officer*" refers to any consular, diplomatic, or other officer of the
31 Government of the Philippines who has been duly granted a consular commission
32 for the purpose of issuing visas under this Act;
33 (k) "*Entry*" refers to the arrival of a foreigner into any designated port of entry in the
34 Philippines from a place outside thereof. A foreigner having a lawful permanent

1 residence in the Philippines shall not be regarded as making an entry for the purpose
2 of this Act if such foreigner proves that his/her departure to a place outside the
3 Philippines was for a temporary or limited period, or his/her continued absence
4 from the Philippines was occasioned by deportation proceedings, extradition, or
5 other legal process;

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

8 (m) "*Foreigner*" or "*Foreign National*" refers to any person not a citizen of the
9 Philippines;

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

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

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

24 (q) "*Immigrant*" refers to any foreign national departing from any place outside the
25 Philippines destined for the Philippines, other than a non-immigrant.

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

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

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

- 1 (u) "*Non-immigrant*" refers to any foreigner departing from any place outside the
2 Philippines who is allowed entry and admission into the Philippines for a temporary
3 or limited period of stay;
- 4 (v) "*Non-refoulement*" refers to a principle of international law which prohibits the
5 forced return of a refugee to the state or territory where his/her life or liberty would
6 be threatened;
- 7 (w) "*Passport*" refers to a document issued by the Philippine government to its citizens
8 requesting other governments to allow its citizens to pass safely and freely, and in
9 case of need to give him all lawful aid and protection;
- 10 (x) "*Person*" refers to a natural and juridical person such as partnerships, corporations,
11 companies, and associations;
- 12 (y) "*Port of entry*" refers to any port designated by competent authority in accordance
13 with law through which a foreigner may apply to the Immigration Officer thereat
14 for admission into the Philippines;
- 15 (z) "*President*" refers to the President of the Republic of the Philippines;
- 16 (aa) "*Refugee*" refers to a person who, owing to a well-founded fear of being
17 persecuted for reasons of race, religion, nationality, membership of a particular
18 social group, or political opinion, is outside the country of his/her nationality, and
19 is unable, or owing to such fear, is unwilling to avail of the protection of that
20 country; or who, not having a nationality and being outside the country of his/her
21 former habitual residence, is unable or, owing to such fear, is unwilling to return to
22 it;
- 23 (bb) "*Seaman*," "*Seafarer*" or "*Crewmember*" refers to a person actually employed
24 in the operation or service in any capacity on board a vessel;
- 25 (cc) "*Secretary*" refers to the Secretary of the Department of Justice;
- 26 (dd) "*Stateless Person*" refers to a person who is not considered as a national by any
27 State under the operation of its laws;
- 28 (ee) "*Travel document*" refers to a certification or identifying document containing
29 the description and other personal circumstances of its bearer, issued for direct
30 travel to and from the Philippines valid for short periods or a particular trip. It is
31 issued only to persons whose claim to Philippine citizenship is doubtful or who fall
32 under the category enumerated in Section 13 of Republic Act No. 8239, otherwise
33 known as "The Philippine Passport Act of 1996";
- 34 (ff) "*Vessel*" refers to all means of conveyances, whether aircraft or sea craft;

1 (gg) "*Visa*" refers to an endorsement on a passport or any travel document issued by
2 a Consular Officer abroad authorizing the holder thereof to proceed to a designated
3 port of entry in the Philippines and there to apply for entry and admission under the
4 status specified therein; or immigration status granted and/or issued to foreigners
5 by the Commissioner or the Board under this Act; and
6 (hh) "*Watchlist Order*" refers to an order issued by the Commissioner under Section
7 7 (c) (4) of this Act that requires immigration personnel to monitor and/or prevent
8 the departure of any person for a period of fifteen (15) days, extendible for another
9 fifteen (15) days, and to notify concerned government or law enforcement agencies,
10 where his/her presence is required in criminal or legislative proceedings or he/she
11 poses or may pose a threat to national security, public health or public safety.
12

13 TITLE II

14 COMMISSION ON IMMIGRATION

15 CHAPTER 1

16 THE COMMISSION

17
18
19 **SEC. 4. *Creation.*** — The Commission on Immigration is hereby created. It shall be
20 principally responsible for the administration and enforcement of this Act, and the
21 implementation of all laws, rules, regulations or orders of any competent authority concerning
22 the entry and admission into, stay in, and departure from the Philippines of all persons. The
23 Commission shall be under the general supervision of the Office of the President.
24

25 **SEC. 5. *Composition and Qualification.*** — The Commission shall be administered by
26 the Board headed by the Commissioner as Chairperson, and four (4) Deputy Commissioners
27 as members, all of whom shall be natural-born citizens of the Philippines and, at the time of
28 their appointment, at least thirty-five (35) years of age, holders of a college degree and with
29 proven capacity for administration: Provided, That the majority or three (3) members
30 including the Chairperson of the Commission shall be members of the Philippine Bar in good
31 standing for at least five (5) years.
32

33 CHAPTER 2

34 THE COMMISSIONER

1 **SEC. 6. *Appointment and Rank of the Commissioner.*** — The Commissioner shall be
2 appointed by the President and shall have the same rank, salary, and privileges of an
3 Undersecretary of a Department.
4

5 **SEC. 7. *Powers and Functions of the Commissioner.*** — In addition to the duties as
6 Chairperson of the Board, the Commissioner shall exercise the following powers and
7 functions:
8

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

1 and in the execution of warrants: *Provided*, That such firearms and ammunition are
2 owned and issued by the Commission;

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

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

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

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

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

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

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

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

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

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

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

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

3 CHAPTER 3

4 THE DEPUTY COMMISSIONERS

5
6 **SEC. 8.** *Appointment and Rank of Deputy Commissioners.* — There shall be four (4)
7 Deputy Commissioners who shall be appointed by the President. They shall have the same
8 rank, salary and privileges of an Assistant Secretary of a Department. Provided, that a plantilla
9 for one (1) Deputy Commissioner shall be created which shall be occupied by a career officer
10 from the Commission.

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

- 15
16 (a) Deputy Commissioner for Administration, Finance, Planning, Legal and
17 Information and Communications Technology;
18 (b) Deputy Commissioner for Regional Operations, Registration, Immigration
19 Regulation and Visa and Special Permit;
20 (c) Deputy Commissioner for Intelligence, Enforcement, Fraud Prevention and
21 Complaint and Prosecution; and
22 (d) Deputy Commissioner for International Policies, Cooperation and Social
23 Integration.

24 CHAPTER 4

25 THE BOARD OF COMMISSIONERS

26
27
28 **SEC. 10.** *Powers and Functions of the Board.* — The Board shall have the following
29 powers and functions:

- 30 (a) Decide on deportation cases;
31 (b) Act on appeals on decisions promulgated by immigration hearing officers;
32 (c) Act on applications or recommendations for revocation of immigration status;
33 (d) Act on applications for recognition of Philippine citizenship by reason of birth or
34 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 appointment. He/she shall keep a docket book for deportation cases, applications for revocation of immigration status,

1 applications for recognition of Philippine citizenship by reason of birth or marriage,
2 applications for legalization of residence and applications for refugee status.

3

4 CHAPTER 5

5 THE EXECUTIVE DIRECTOR

6

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

12
13 **SEC. 16. *Powers and Duties.*** — The Executive Director shall:

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

23 CHAPTER 6

24 THE BOARDS OF SPECIAL INQUIRY

25

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

30

31 **SEC. 18. *Appointment and Qualification of the Chairpersons and Members of the***
32 ***Boards of Special Inquiry.*** — The Chairpersons and members of the Boards of Special Inquiry
33 shall be appointed by the Commissioner, all of whom shall be natural-born citizens of the
34 Philippines and, at the time of their appointment, at least thirty (30) years of age, members of

1 the Philippine Bar in good standing, and engaged in the practice of law for at least three (3)
2 years. They shall hold office during good behavior, unless sooner removed for cause.

3
4 **SEC. 19. *Powers and Functions of the Boards of Special Inquiry.*** — The Boards of
5 Special Inquiry shall:

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

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

26
27 **SEC. 21. *Resolutions of the Boards of Special Inquiry.*** — Cases before the Boards of
28 Special Inquiry shall be resolved within five (5) working days from the date the same are
29 submitted for resolution. Said resolution shall be submitted immediately to the Board for
30 action.

31
32 **CHAPTER 7**
33 **DIVISIONS OF THE COMMISSION**
34

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

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

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

CHAPTER 8

REGIONAL OFFICES

SEC. 25. *Field Offices of the Commission.* — The Commission shall operate and maintain a Regional Immigration Office in each of the administrative regions including the National Capital Region. The Regional Immigration Offices of the Commission shall each be headed by a Regional Immigration Officer, all of whom shall be appointed by the Secretary upon the commendation of the Commissioner.

SEC. 26. *Border Control Schemes.* — There shall be established Border Control Stations which shall be manned by Border Control Officers appointed by the Commissioner.

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

4
5 **SEC. 27.** *Changes in the Composition, Distribution of Assignment of Regional Offices.*

6 — The Commissioner may make changes in the composition, distribution and assignment of
7 Regional Offices, as well as its personnel, based on the demographics of the Philippines'
8 foreigner population and as the exigency of the service requires.

9
10 **SEC. 28.** *Immigration Officers.* — The position of Immigration Officer is hereby
11 created. No person shall be appointed to the position of Immigration Officer unless he is a
12 holder of a bachelor's degree and a first-grade civil service eligible. The Immigration Officers
13 shall perform the following duties:

- 14
15 (a) Examine, with the assistance and advice of medical authorities in appropriate cases,
16 foreigners at the port of entry concerning their admissibility to enter and their
17 qualifications to remain in the Philippines;
18 (b) Exclude foreign nationals not properly documented, and to admit foreign nationals
19 complying with the applicable provisions of immigration and related laws;
20 (c) Administer oaths in connection with the performance of their duties;
21 (d) Search for foreign nationals on any vessel believed to be used to illegally bring
22 foreign nationals into the Philippines, and to arrest without warrant any foreigner
23 who in his presence or view is entering or is about to enter the Philippines in
24 violation of immigration and related laws, rules and regulations;
25 (e) Act as control officer with authority to prevent the departure of passengers not
26 complying with departure requirements; and
27 (f) Perform such other functions as may be assigned by the Commissioner from time
28 to time.

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

1 **SEC. 30. *Assignment of Employees to do Overtime Work.*** — The Commissioner may
2 assign immigration employees to do overtime work or services pursuant to rules and
3 regulations to be prescribed and at the rates fixed by the Commissioner when the work or
4 service to be rendered is to be paid by the airline, shipping companies or other persons served.
5

6 **SEC. 31. *Deployment of Immigration Personnel Abroad.*** — Within ninety (90) days
7 from the effectivity of this Act, the Department of Foreign Affairs and the Commission shall
8 enter into a Memorandum of Agreement pertinent to the assignment and deployment of
9 immigration personnel to select consular posts abroad who shall perform immigration duties,
10 except diplomatic and consular functions.
11

12 **SEC. 32. *Manning Levels.*** — On the average, the manning levels of immigration
13 officers of the Commission nationwide shall be in accordance with the number of arrivals in
14 each port of entry as determined by the Board: Provided, That the number of employees, as
15 provided in the staffing pattern in accordance with Section 130 of the Act, shall not be
16 decreased.
17

18 **TITLE III** 19 **IMMIGRATION**

20 **CHAPTER 1** 21 **NON-IMMIGRANTS**

22
23
24 **SEC. 33. *Categories of Non-immigrants and Types of Visa Issued.*** — Foreign nationals
25 departing from any place outside the Philippines who are otherwise admissible and who
26 qualify under any one of the following categories may be admitted as non-immigrants:

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

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

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

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

5 (b) Transit Persons (B Visa): Persons passing through the Philippines solely for a
6 "stopover" who have a confirmed connecting flight to another country or
7 passengers in immediate and continuous transit to a destination outside the
8 Philippines;

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

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

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

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

27 1) Persons entitled to E-1 Visa: The E-1 Visa shall be issued to persons
28 enjoying diplomatic immunities and privileges, particularly the following
29 classes of foreign nationals:

30 a. Heads of State and Heads of Government and their personal
31 representatives;

32 b. Members of reigning royal families recognized by the Philippine
33 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 are 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.

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

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

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

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

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

- 1 (j) Media Workers (J Visa): Foreign media personnel or correspondents, duly
2 accredited by the government agency concerned, who are bona fide representatives
3 of a foreign press, radio, satellite, television, film, or other information media, and
4 are coming to the Philippines solely to engage in gathering information principally
5 for dissemination abroad, including their family members accompanying or
6 following to join them during the period of the assignment in the Philippines;
- 7 (k) Exchange Visitors (K Visa): Foreign nationals entering the Philippines to teach,
8 study, observe, conduct research or receive training in a specific Exchange visitor
9 Program duly approved by the Philippine Government;
- 10 (l) Refugees (L-1 Visa) and Stateless Persons (L-2 Visa): Refugees as defined in
11 Section 3 (z) hereof shall be issued L-1 Visa. Stateless persons, whose admission
12 for humanitarian reasons and not inimical to public interest has been approved by
13 the Commissioner or the President in such cases and under such conditions as he
14 may prescribe, shall be issued L-2 Visa; and
- 15 (m) Special Non-Immigrants (M Visas): Such other foreign nationals including their
16 family members who may be admitted as non-immigrants under special laws or
17 foreign nationals not otherwise provided for by this Act who are coming for
18 temporary periods only, and whose admission is authorized by the Commissioner
19 or the President in the interest of the public or for humanitarian considerations and
20 under such conditions as he may prescribe.

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

29
30 **SEC. 33-B. Visa Issuance Overseas.** — All non-immigrant visas issued outside of the
31 Philippines shall be done by Consular Officers of the Department of Foreign Affairs duly
32 assigned at Philippine posts abroad. Immigrant visas, whenever issued abroad, shall be done
33 by the Consular Officers upon the approval of the Commission through the Department of
34 Foreign Affairs.

CHAPTER 2
IMMIGRANTS

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

- (a) First Preference: Those whose service and qualification show high educational attainment, technical training, specialized experience, or exceptional ability in the sciences, arts, professions, or business as would reasonably enhance and contribute substantial benefits prospectively to the national economy, or cultural or educational interests or welfare of the Philippines, including their family members, accompanying or following to join them, who shall likewise be allotted individual quota numbers;
- (b) Second Preference: Parents of a naturalized Philippine citizen;
- (c) Third Preference: Spouses or minor children of foreign nationals who are lawful permanent residents of the Philippines; and
- (d) Fourth Preference: Parents of foreign nationals who are lawful permanent residents of the Philippines

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

SEC. 36. *Basis in Determination of Quota Allotment.* — The nationality of an immigrant whose admission is subject to the numerical limitation imposed by Section 34 of this Act shall be that of the country of which the immigrant is a national or a citizen. The nationality of an immigrant possessing dual nationality may be that of either of the two countries regarding him/her as a national or citizen if he/she applies for a visa in a third

country. If he/she applies for a visa within one of the two countries regarding him/her as a national or citizen, his/her nationality shall be that of the country in which he/she files his/her application for a visa to enter the Philippines.

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

- (a) The spouse of a Philippine citizen: Provided, however, That the abandonment and failure to give support by a foreign spouse to his/her Filipino spouse and family, legal separation, or termination of the marital status by annulment, declaration of nullity of marriage or divorce where the cause is attributable to the foreign spouse, shall constitute grounds for cancellation of the immigrant visa issued to the foreign spouse;
- (b) A person of Filipino descent regardless of generation;
- (c) A child born to a foreign mother during her temporary visit abroad, the mother being a lawful permanent resident of the Philippines, if accompanied by or coming to join the mother who applies for admission within five (5) years from the birth of the child;
- (d) A child born subsequent to the issuance of an immigrant visa to the accompanying parent, the visa not having expired or revoked;
- (e) A foreign national who had been previously lawfully admitted into the Philippines for permanent residence who is returning from a temporary visit abroad to an unrelinquished residence in the Philippines; and
- (f) A natural-born citizen who becomes a naturalized citizen of a foreign country and is returning to the Philippines for permanent residence therein, including his/her spouse and minor children accompanying or following to join him/her, except the one who has re-acquired or retained his/her Philippine citizenship pursuant to Republic Act No. 9225.

SEC. 38. *Status of Children Born to Foreign Nationals.* — (a) A child born in the Philippines to parents who are foreign nationals and lawful residents of the Philippines shall be deemed a native-born permanent resident. (b) A child born to parents who are both non-immigrants shall be deemed a native-born non-immigrant or temporary resident and may remain in the Philippines only during the period of authorized stay of the parents, unless he/she

1 reaches the age of eighteen (18) years while continuously residing in the Philippines, in which
2 case he/she may apply for naturalization under existing laws or for an appropriate visa.

3

4 CHAPTER 3

5 ADJUSTMENT OF STATUS

6

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

16
17 **SEC. 40.** *Effect of Approval of Application for Adjustment.* — Upon the approval of an
18 application for adjustment of status under the preceding section, the Commissioner shall
19 record the foreign national's lawful admission as a permanent resident as of the date of the
20 approval of the application and shall be included as part of the quota for the calendar year in
21 accordance with Section 34 of this Act.

22
23 **SEC. 41.** *Adjustment of Status, When Not Allowed.* — Adjustment of status under
24 Section 39 of this Act shall not be applicable to (a) a foreign crewmember, (b) a foreign
25 national who has violated or is in violation of immigration laws, rules and regulations unless
26 the same is through no fault of his/her own or for purely technical reasons, (c) a foreign
27 national admitted as a temporary visitor without visa, and (d) transients.

28

29 CHAPTER 4

30 DOCUMENTATION AND ADMISSION OF NON-IMMIGRANTS

31

32 **SEC. 42.** *Documentary Requirements of Non-immigrants.* — Non-immigrants must
33 present for admission into the Philippines valid passports issued by the governments of the
34 countries to which they owe allegiance to or other travel documents showing their nationality

1 and identity as prescribed by regulations and a valid visa granted by the Philippine Consular
2 Officer, if required under existing laws, rules, regulations, or multi-lateral or bilateral
3 agreements.
4

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

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

26 If the Board finds that the petition complies with the requirements of the preceding
27 paragraph and of other regulations, it shall grant the petition and shall promptly transmit the
28 authorization to the Department of Foreign Affairs and/or the Consular Office concerned.
29

30 **SEC. 45. *Submission of Crew List and Passenger Manifest to the Commission.*** —
31 Simultaneous to the vessel's departure from the port of origin, the master, captain, agent,
32 owner or consignee of any commercial vessel arriving to the Philippines shall submit to the
33 Commission, within a reasonable time prior to such arrival, the crew lists, passenger manifests
34 and such other information concerning the persons arriving on such a vessel. In the same

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

6
7 **SEC. 46. *Inspection of Crewmembers.*** — It shall be the duty of the master, captain,
8 agent, owner, or consignee of any vessel arriving in the Philippines to have available on board,
9 for inspection by the Immigration Officer, any foreign crewmember employed on such vessel
10 and to detain such crewmember on board after inspection and to remove such crewmember
11 when required by the immigration authorities. No crewmember on board such vessel shall be
12 discharged while the vessel is in port without the permission of the Commissioner.

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

19 20 **CHAPTER 5**

21 22 **REFUGEE STATUS**

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

- 28 (a) Has committed a crime against peace, a war crime, crime against humanity or any
29 other crime under international law;
30 (b) Has committed a serious non-political crime outside the Philippines prior to his
31 admission as a refugee; or
32 (c) Has been guilty of an act contrary to the purposes and principles of the United
33 Nations.

1 **SEC. 49. *Cessation of Refugee Status.*** — Refugee status granted under the previous
2 section shall cease if a refugee:

- 3
- 4 (a) Voluntarily repatriates himself/herself or has re-established himself/herself in
5 another State;
- 6 (b) Acquired a new nationality and enjoys the protection of such a State; or
- 7 (c) Can no longer continue to refuse to avail the protection of the country of his/her
8 nationality or, not having a nationality, is able to return to the country of former
9 habitual residence in view of the cessation of the reasons that resulted to his/her
10 being a refugee: *Provided*, That this ground shall not apply if a refugee is able to
11 invoke compelling reasons arising out of the previous persecution.
- 12

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

17

18 **SEC. 51. *Confidentiality of Information.*** — In proceedings for the recognition of
19 refugee status, the confidentiality of information shall be respected and no information relating
20 to the refugee shall be shared with the country of origin or country of former habitual
21 residence, directly or indirectly.

22

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

25

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

31

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

1 **CHAPTER 6**

2 **DOCUMENTATION AND ADMISSION OF IMMIGRANTS**

3
4 **SEC. 55. *Documentary Requirements of Immigrants; Instances When Not Required.*** —

5 Immigrants must present for admission into the Philippines valid passports or travel
6 documents issued by the government of the country to which they owe allegiance, showing
7 their nationality and identity and valid visas issued by the Consular Officer indicating the date
8 of issue and the period of validity thereof. Immigrant visas shall not be required of the
9 following:

- 10 (a) A child born subsequent to the issuance of a valid immigrant visa to the
11 accompanying parent;
- 12 (b) A child born during the temporary visit abroad of the mother who is a lawful
13 permanent resident of the Philippines and a holder of a valid reentry permit, if the
14 child is accompanied by either parent within five (5) years from the date of the
15 child's birth; and
- 16 (c) A foreigner who is returning to an unrelinquished lawful permanent residence in
17 the Philippines after a temporary residence abroad and presents for admission a
18 valid reentry permit.

19
20 **CHAPTER 7**

21 **VISA ISSUANCE**

22
23 **SEC. 56. *Nature of Visa.*** — Nothing in this Act shall be construed to automatically
24 entitle any foreign national to whom a visa or other travel document has been issued to enter
25 the Philippines if, upon arrival at a port of entry, he/she is found to be inadmissible under this
26 Act or any other law.

27
28 **SEC. 57. *Requirement of Issuance of Visa.*** — Under the conditions and subject to the
29 limitations prescribed in this Act or regulations issued hereunder, the Commissioner may
30 approve the issuance of an immigrant visa upon the recommendation of a Consular Officer in
31 the following manner:

- 32
33 (a) An immigrant visa may only be issued to a foreign national who has made a proper
34 application therefor, which shall specify the foreign country, if any, to which the

1 quota the number is assigned, the immigrant's particular status in such country, the
2 preference to which the foreigner is classified, the date on which the validity of the
3 visa shall expire, and such additional information as may be required. All
4 diplomatic visas under Section 33 (e) of this Act shall be exclusively issued by the
5 Department of Foreign Affairs in accordance with the Vienna Convention on
6 Diplomatic Relations.

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

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

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

18
19 **SEC. 58. Requirements for Physical and/or Mental Examination Prior to Issuance of**
20 *Immigrant Visa.* — Prior to the issuance of an immigrant visa to any foreign national, the
21 Consular Officer shall require such person to submit to a physical and mental examination in
22 accordance with such regulations as may be prescribed by the Commissioner. In addition, said
23 foreign national shall be required to personally plant fifty (50) trees, except when he/she is
24 physically incapable of doing so, in which case, he/she may cause another person to plant the
25 trees.

26
27 **SEC. 59. Validity of Visa.** — A non-immigrant or immigrant visa issued by a Consular
28 Officer abroad pursuant to Section 57 of this Act shall be valid for a period not exceeding six
29 (6) months. In prescribing the period of validity of a non-immigrant visa, the Consular Officer
30 shall, insofar as practicable, accord to such national the same treatment on a reciprocal basis
31 as such foreign country accords to citizens of the Philippines who are within a similar class.
32 An immigrant visa may be replaced under the original number during the calendar year in
33 which the original visa was issued for a foreigner who establishes to the satisfaction of the
34 Consular Officer that he/she was unable to use the original immigrant visa during the period

1 of its validity for reasons beyond his/her control: *Provided*, That the foreign national is found
2 by the Consular Officer to be eligible for another immigrant visa and has paid all the fees.

3
4 **SEC. 60. *Denial of Visa, Grounds Thereof.*** — The Consular Officer may deny the
5 application for visa (a) if it appears from the statements in the application or in the documents
6 submitted the applicant is not entitled to a visa under this Act; or (b) if he/she fails to comply
7 with the requirements of the provisions of this Act.

8
9 **SEC. 61. *Revocation of Visa Issued by Consular Officer.*** — The Commissioner may,
10 for valid cause and upon confirmation of the Secretary of Foreign Affairs, revoke the visa
11 issued by any Philippine Consular Office. If the notice of revocation is not received and the
12 visa holder applies for admission into the Philippines, his/her admission or entry shall be
13 determined by the Immigration Officer upon his/her arrival at the port of entry.

14
15 **CHAPTER 8**
16 **RE-ENTRY AND EMIGRATION CLEARANCE**
17

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

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

CHAPTER 9

PRESIDENTIAL PREROGATIVES

SEC. 64. *Presidential Prerogatives.* — Any provisions of this Act to the contrary notwithstanding, the President may:

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

TITLE IV
PROVISIONS RELATING TO ENTRY

CHAPTER 1

CLASSIFICATION OF PORTS OF ENTRY

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

CHAPTER 2

PROCEDURES ON ARRIVAL

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

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

SEC. 68. *Medical Examination Requirement.* — Any arriving foreign national whom the examining Immigration Officer believes to belong under the class of excludable foreign nationals specified in Section 78(a) herein shall be referred to designated medical officers for

1 physical and mental examination. Such medical officer shall certify his/her findings for the
2 information of the Immigration Officer.

3
4 **SEC. 69. *Arrival Notice Requirements of Vessel.*** — The immigration authorities shall
5 be given prior notice of the arrival of any civilian vessel before such vessel comes into any
6 area in the Philippines from any place outside thereof. Such prior notice shall not be required
7 in the case of vessels with scheduled arrivals filed with the Immigration Officer in charge at
8 the international port of entry. If, upon arrival in any area other than the designated port and
9 there is no available Immigration Officer therein, the master, pilot, captain, agent or consignee
10 shall not allow the passengers and crew members to disembark or leave the primary inspection
11 area until the Immigration Officer shall have conducted the primary inspection formalities.

12
13 **SEC. 70. *Contents of Notice of Arrival.*** — The advance notice of arrival required in
14 the preceding section shall specify the following:

- 15 (a) Type of vessel and registration marks;
16 (b) Visaed crew list;
17 (c) Passenger manifest;
18 (d) Port of last departure;
19 (e) International port of intended destination, or another place authorized by the
20 Commissioner;
21 (f) Estimated time of arrival; and
22 (g) Authorized agent or representative at the place of arrival.

23
24 **CHAPTER 3**
25 **FOREIGN CREWMEMBER**
26

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

32
33 **SEC. 72. *Confiscation and Cancellation of Permit; Deportation from the Philippines.***
34 — Upon the determination that the foreigner is not a bona fide crewmember or does not intend

1 to depart on the vessel that brought him, the Commissioner shall cancel and confiscate the
2 conditional permit already issued, take such foreigner into custody, and require the owner,
3 operator, captain, master, pilot, agent or consignee of the vessel on which the foreigner arrived
4 to receive and detain him/her on board. The expenses for his/her removal, including the cost
5 of detention and other expenses incidental thereto, shall be borne by the owner, operator,
6 captain, master, pilot, agent or consignee of such vessel.

7
8 **SEC. 73. *Liability for Overstaying Foreign Crewmen.*** — A foreign crewmember who
9 remains in the Philippines in excess of the period allowed in the conditional permit issued to
10 him/her shall be solitarily liable with the owner, operator, captain, master, pilot, agent or
11 consignee of the vessel to pay the penalties prescribed in Section 126 of this Act.

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

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

29
30 **SEC. 76. *Duty to Report Desertion or Illegal Landing of Foreign Crewmember.*** — The
31 owner, operator, captain, master, pilot, agent or consignee of any vessel shall immediately
32 report, in writing, to the Immigration Officer all cases of desertion or illegal disembarkation
33 in the Philippines from the vessel, together with a description of such foreigners and any
34 information that shall result in their apprehension.

1 **SEC. 77. Requirement for Submission of List of Newly Employed, Discharged and**
2 *Illegally Landed Foreign Crewmember.* — Prior to the departure of any vessel from the last
3 port in the Philippines, destined to any place outside thereof, the owner, operator, captain,
4 master, pilot, agent or consignee thereof shall deliver to the Immigration Officer at that port a
5 listing containing: (a) the names of crewmembers who were not employed thereon at the time
6 of the vessel's arrival on such port but will depart thereat on the same vessel; (b) the names of
7 those, if any, who have been discharged; (c) the names of those who have deserted or illegally
8 landed at the port, if any; and (d) such other additional information as the Commissioner
9 deems necessary.

10
11 **SEC. 78. Liability for Failure to Submit Complete, True and Correct Report.** — In case
12 the owner, operator, captain, master, pilot, agent, or consignee, fails to submit a true and
13 complete list or report of foreigners, or to report cases of desertion or illegal landing, he/she
14 shall pay to the Commission such sum as may be prescribed under this Act. No such vessel
15 shall be granted clearance from any port in the Philippines while such fines remain unpaid or
16 while the validity thereof is being determined: *Provided*, That clearance may be granted prior
17 to such determination upon deposit of a sum or cash bond sufficient to cover such fines as
18 approved by the Commissioner.

19
20 **CHAPTER 4**
21 **EXCLUSIONS**

22
23 **SEC. 79. Exclusion Grounds.** — The following classes of foreign nationals shall not
24 be allowed entry and shall be excluded from the Philippines:

25 (a) Health-related Grounds

- 26 1. Those who are found to be suffering from a communicable, dangerous or
27 contagious disease;
28 2. Those who are found to be suffering from a mental disorder or associated
29 behavior that may pose threat to person or danger to property;
30 3. Those who are found to be suffering from addiction to prohibited or
31 regulated substance;

32 (b) Economic Grounds

- 33 1. Those likely to become a public charge;

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

(c) Moral Grounds

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

(d) Criminal and Security Grounds

1. Those who have been convicted of a crime involving moral turpitude or who admit to the Immigration Officer having committed such crime, or who attempt and conspire to commit the crime;
2. Those who have been convicted, or who admit having committed, or are committing acts which constitute the elements of a violation or conspiracy to violate any law or regulation of the Philippines or a foreign country relating to a controlled, regulated or prohibited substance, or who attempt to conspire to commit the crime;
3. Those that the Philippine Government knows or has reason to believe is a trafficker of any controlled, regulated or prohibited substance or knows or has reason to believe is or has been an accomplice, accessory, abettor, or co-conspirator in the illicit trafficking of any controlled, regulated or prohibited substance;
4. Those who are fugitives from justice;
5. Those who seek to enter the Philippines to engage in;
 - a. Espionage or sabotage, or a violation or evasion of any laws prohibiting export of goods, technology or sensitive information;
 - b. Any activity aimed to promote membership in an organization of syndicated criminal activities;

- 1 c. Any activity, the purpose of which is to overthrow the Philippine
2 government by force, violence or other unlawful means; and
3 d. Any other unlawful activity.

- 4 6. Those who are engaged or believed to be engaged or likely to engage in,
5 aid, abet or finance any terrorist activity and members or representatives of
6 a foreign terrorist organization;
7 7. Those who have been identified by competent authorities, local or foreign,
8 as having engaged in or are engaging in human trafficking and smuggling;
9 8. Those who have been identified by competent authorities, local or foreign,
10 as having engaged or are engaging in human trafficking and smuggling;
11 9. Those who are under fifteen (15) years of age and unaccompanied by or not
12 coming to a parent, except that they may be admitted in the discretion of the
13 Commissioner, if otherwise admissible; and
14 10. Those who have been identified by competent authorities, local and foreign,
15 as having engaged or are engaging in importation of contrabands and other
16 prohibited articles into the country.

17
18 **SEC. 79-A. *Minor Persons/Minority.*** — Persons under fifteen (15) years of age, and
19 not accompanied by or not coming to a parent may be admitted: *Provided,* That the written
20 consent of wither parent allowing them to travel is presented. The written consent must cite
21 the purpose of the travel and must be affirmed by the Philippine Consular post in the minor's
22 country of origin.

23
24 **SEC. 80. *Temporary Detention of Excludable Foreigners.*** — For the purpose of
25 ascertaining whether a foreigner arriving in the Philippines belongs to any of the excludable
26 classes of foreigners provided for in this Act or related laws, the Immigration Officer, for a
27 period not exceeding seventy-two (72) hours, may temporarily detain for investigation such
28 foreigner either on board the vessel or at a place designated for the purpose at the expense of
29 the master, captain, agent, owner or consignee of the carrying vessel.

30
31 **SEC. 81. *Finality of Exclusion Order.*** — An order by the Immigration Officer to
32 exclude a foreign national who is excludable under Section 78 hereof is final and executory
33 unless revoked by the Commissioner upon a timely appeal prior to the implementation of the
34 exclusion order.

1 **SEC. 82. *Authority to Waive Grounds for Exclusion.*** — Except for grounds of exclusion
2 under Section 78(d), subparagraphs 1 to 8 and subparagraph 9, the Commissioner may waive
3 any of the grounds for exclusion mentioned therein.
4

5 **SEC. 83. *Procedure of Removal and Cost Thereof.*** — Any foreign national arriving in
6 the Philippines who is ordered excluded shall be immediately removed in the same
7 accommodation to the country where he/she boarded the vessel on which he/she arrived,
8 unless the Commissioner determines that immediate removal is not proper and practicable.
9 The cost of detention and other expenses incidental thereto shall be borne by the owner,
10 operator, master, pilot, captain, agent or consignee of the vessel on which he/she arrived.
11

12 **SEC. 84. *Country Where Removal is to be Directed.*** — If the government of the country
13 designated in the preceding section will not accept the foreign national into its territory, his/her
14 removal shall be directed by the Commissioner in his/her discretion and without necessarily
15 giving preference, either to:
16

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

23 **SEC. 85. *Obligation of Owner, Operator, Master, Captain, Pilot, Agent or Consignee.***
24 — It shall be unlawful for an owner, operator, master, captain, pilot, agent, or consignee of a
25 vessel to refuse or fail to:

- 26 (a) Board a foreigner ordered excluded and removed under Section 78 hereof in the
27 same vessel or another vessel owned or operated by the same company;
28 (b) Detain a foreign national on board any such vessel at the port of arrival when
29 required by this Act or when so ordered by an Immigration Officer;
30 (c) Deliver a foreign national for medical or other examinations when so ordered by
31 such officer;
32 (d) Remove a foreign national from the Philippines to the country where his/her
33 removal has been directed; or

1 (e) Pay the cost of detention and other expenses incidental thereto of a foreign national
2 incurred while being detained as required by Section 82 of this Act or other costs
3 necessary or incidental to his/her removal as provided in this Act.
4

5 **SEC. 86. *Penalty for Non-compliance of Obligation.*** — The owner, operator, master,
6 captain, pilot, agent, or consignee of a vessel who violated Section 84 hereof shall pay the
7 fines prescribed under this Act. No such vessel shall be granted clearance from any port in the
8 Philippines while such fines remain unpaid or while the validity thereof is being determined:
9 Provided, That clearance may be granted prior to such determination upon deposit of a sum
10 or cash bond sufficient to cover such fines as approved by the Commissioner.
11

12 **TITLE V** 13 **DEPORTATION**

14 **CHAPTER 1** 15 **DEPORTABLE FOREIGN NATIONALS** 16

17
18 **SEC. 87. *Classes of Deportable Foreigners.*** — The following foreigners shall be
19 arrested upon the order of the Commissioner and deported upon recommendation by the Board
20 of Special Inquiry and approval by the Board:

- 21 (a) Those who entered the Philippines by means of false and misleading statements or
22 documents, misrepresentations or without inspection and admission by the
23 immigration authorities;
- 24 (b) Those who entered the Philippines who were not lawfully admissible at the time of
25 entry;
- 26 (c) Those who engage, abet or aid in the practice of prostitution including the owner,
27 manager or inmates of a house of prostitution or are procurers, pedophiles or sexual
28 perverts;
- 29 (d) Those who, at any time after the date of entry, have become a public charge;
- 30 (e) Those who remain in the Philippines in violation of any period of limitation or
31 condition under which they were admitted;
- 32 (f) Those who believe in, advise, advocate or teach the overthrowing by force and
33 violence of the Government of the Republic of the Philippines, or duly constituted
34 authority, or those who do not believe in or are opposed to organized governments,

1 or those who advise, advocate or teach the assault or assassination of public officials
2 by reason of their office, or those who advise, advocate or teach the unlawful
3 destruction of property, or those who are members of or affiliated with any
4 organization entertaining, advocating or teaching such doctrines, or those who in
5 any manner whatsoever extend assistance, financial or otherwise, in the
6 dissemination of such doctrines;

7 (g) Those who, at any time after entry, engage in, abet, aid or finance any terrorist
8 activity;

9 (h) Those who commit any violation of the provisions of this Act, independent of any
10 criminal action which may be brought against them: *Provided*, however, That in the
11 case of a foreigner who, for any reason, is convicted and sentenced to suffer both
12 imprisonment and deportation, said foreigner shall first serve the entire period of
13 his/her sentence before being deported: *Provided, further*, That the penalty of
14 imprisonment may be waived by the President upon payment by the foreigner
15 concerned of such costs, fines and/or damages, if any, awarded to the government
16 or any aggrieved party;

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

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

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

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

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

29 (n) Those who violated Philippine labor or taxation laws, rules and regulations;

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

33 (p) Those who forge, counterfeit, alter or falsely make any document; or use, attempt
34 to use, possess, obtain, accept, receive or provide any forged, counterfeit, altered or

falsely made document; or use, attempt to use, provide, attempt to provide, accept or receive a genuine document, even of another person, without authority to do so for the purpose of satisfying or complying with the requirements for his/her stay in the Philippines; and

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

SEC. 88. *Non-Prescription of Deportation Cases.* — The right of the State to initiate at any time deportation proceedings shall not prescribe: *Provided*, That no deportation proceedings and orders shall be had against foreigners facing preliminary investigation, prosecution and trial before competent authorities.

CHAPTER 2

DETENTION AND DEPORTATION OF FOREIGN NATIONALS

SEC. 89. *Issuance of Summons.* — If the Commissioner determines that there exists a reasonable ground to deport a foreigner pursuant to Section 86 of this Act, he/she may issue summons requiring the foreigner to appear in person before the designated investigating officer at the time, date and place stated therein.

SEC. 90. Authority to Issue Letter Order. — The Commissioner may issue a letter order for the detention of a foreigner if he/she determines that a probable cause exists for the filing of deportation charges against a foreigner for violation of immigration and other related laws, rules and regulations or there is a strong probability that a deportable foreigner may flee from his/her place of abode, go into hiding or surreptitiously leave the country.

SEC. 91. *Formal Charge of Deportation.* — A formal charge for deportation shall be issued upon determination of the existence of a prima facie case against the foreigner. Pending final determination of his/her deportation case, the foreigner shall, upon the discretion of the Commissioner: (a) remain under detention; or (b) be released on bail or recognizance. The bail may be revoked and confiscated in favor of the government if there is sufficient evidence that the foreigner is evading the proceedings or is attempting to abscond, in which case he/she shall be taken into custody and placed under detention by order of the Commissioner.

1 **SEC. 92. *Detention of a Foreigner Convicted of a Felony or an Offense.*** — After
2 service of his/her sentence or compliance with the conditions of his/her parole or probation,
3 as the case may be, the foreigner shall be taken into custody and placed under detention by
4 order of the Commissioner. Pending final determination of the deportation case, the foreigner
5 may be ordered released under such terms and conditions prescribed by the Commissioner.
6

7 **SEC. 93. *Voluntary Deportation, When Authorized.*** — In case the foreigner does not
8 contest the formal charge against him/her and opts to voluntarily leave the country at his/her
9 expense, the Commissioner may waive the deportation proceedings and order the departure
10 within the period specified in the voluntary deportation order, except in cases of violations of
11 laws such as Republic Act No. 8042 otherwise known as the "Migrant Workers and Overseas
12 Filipino Act of 1995": *Provided*, That he/she has not committed any criminal offense or has
13 no pending case in court: *Provided, further*, That the said foreigner so deported shall be barred
14 from re-entering the country without prior written authorization from the Commissioner.
15

16 **SEC. 94. *Contents of an Order or Warrant of Deportation.*** — The order or warrant of
17 deportation shall be in the form prescribed by the Commissioner and shall state the grounds
18 therefor, the specific place where the foreigner is to be deported and the period within which
19 to execute such order.
20

21 **SEC. 95. *Period to Enforce Order of Deportation.*** — The order of deportation shall be
22 enforced immediately and in no case shall exceed three (3) months from the date it has become
23 final and executory. If deportation is not enforced within the prescribed period for reason
24 beyond the control of the Commissioner, the foreigner shall remain in custody.
25

26 **SEC. 96. *Suspension of Deportation Order.*** — Upon application and payment of the
27 prescribed fees by the concerned foreigner, the Commissioner may suspend the
28 implementation of the deportation order and order his/her release for good cause, taking into
29 account the following factors:

- 30 (a) Age, health, family or conduct;
31 (b) Period of detention;
32 (c) Impact on national security and public welfare;
33 (d) Unavailability of travel documents;
34 (e) Existence of an application for refugee status; or

1 (f) Other humanitarian considerations.

2
3 **SEC. 97. *Reinstatement of a Deportation Order.*** — A deportation order previously
4 implemented against a foreigner who unlawfully re-entered the Philippines shall be deemed
5 automatically reinstated and shall be implemented in accordance with this Act. This provision
6 shall also apply to a foreigner who departed voluntarily under Section 93 hereof.

7
8 **SEC. 98. *Country of Destination of a Deportee.*** — Except as provided for under
9 existing treaty or international agreement, a foreigner shall be deported to the country of which
10 he/she is a citizen or national, or to the country of his/her birth, or to the country of which
11 he/she is a resident, or to the country from which he/she embarked for the Philippines, subject
12 to the acceptance by the receiving country.

13
14 **SEC. 99. *Existence of Danger in the Country Where a Foreigner is to be Deported.*** —
15 No foreigner shall be deported to a country where there exists a danger to his/her life or
16 freedom on account of race, religion, nationality, political opinion or membership in a
17 particular political or social group, except in the following circumstances:

- 18 (a) The foreigner participated, induced or cooperated in the persecution of any person
19 on account of race, religion, nationality, political opinion or membership in a
20 particular political or social group in the country where he/she is to be deported;
21 (b) The foreigner is a fugitive from justice in the country where he/she is to be
22 deported;
23 (c) The foreigner committed a serious non-political crime in the country where he/she
24 is to be deported; or
25 (d) The foreigner is undesirable in and/or a danger to the national security of the
26 Philippines.

27
28 **SEC. 100. *Cost of Deportation.*** — The cost of deportation shall be borne by the owner,
29 operator, captain, master, pilot, agent or consignee of a vessel in case its foreign crew member
30 is to be deported for violation of Section 101 of this Act. In all other cases, the cost of
31 deportation shall be borne by the deportee himself/herself, the concerned consular office,
32 nongovernment organizations or people's organizations with which the Commission has an
33 agreement on this matter, or from the appropriations for the enforcement of this Act.

1 **SEC. 101.** *Liability of Owner, Operator, Captain, Master, Pilot, Agent or Consignee of*
2 *a Vessel.* — Failure or refusal on the part of the owner, operator, captain, master, pilot, agent
3 or consignee of a vessel to take on board, guard safely and transport the deportee to his/her
4 country of destination, or to shoulder the cost of deportation of the foreign crew member as
5 provided in Section 100 hereof, shall be punished by an administrative penalty prescribed
6 under this Act.

7
8 **SEC. 102.** *Expenses of Accompanying Person.* — The Commissioner may, by reason
9 of the mental or physical condition of the deportee, direct an employee of the Commission to
10 accompany such deportee to the country of his/her destination, subject to the provisions of the
11 immediately preceding sections.

12
13 **CHAPTER 3**
14 **INDIGENT FOREIGNERS**

15
16 **SEC. 103.** *Deportation of Indigent Foreigners.* — At any time after entry, the
17 Commissioner may deport indigent foreigners from the Philippines to the country of which
18 they are citizens or nationals, or country of birth, or country of residence, as the case may be.
19 The cost of deportation may be charged against the available funds of the Commission. Any
20 foreigner deported under this section shall be barred re-admission except upon written
21 authorization of the Commissioner. This provision shall not apply to a foreigner declared as
22 an indigent by any Philippine court for purposes of filing a case or to pursue a cause of action
23 which resulted in his/her indigency until such action is resolved with finality: *Provided, That*
24 *no other grounds for deportation exist during the pendency of the same.*

25
26 **TITLE VI**
27 **MISCELLANEOUS PROVISIONS**

28
29 **CHAPTER 1**
30 **REGISTRATION OF FOREIGN NATIONALS**

31
32 **SEC. 104.** *Requirement of Registration.* — A temporary foreign visitor must register
33 with the Commission or any Immigration Office nearest his/her place of residence on or before
34 the sixtieth (60th) day of his/her arrival in the Philippines.

1 **SEC. 105. *Registration Form and Oath.*** — Applications for registration shall be under
2 oath and in such forms as prescribed by the Commission. Upon registration, a certificate of
3 registration shall be issued by the Commission to the registrant. In case of loss or destruction
4 of the certificate, a replacement thereof may be issued by the Commission upon proper
5 application and payment of prescribed fees.

6
7 **SEC. 106. *Amendment of Registration.*** — A registered foreign national shall notify the
8 Commission in writing of any change of information in his/her registration documents not
9 later than seven (7) days thereof.

10
11 **SEC. 107. *Presentation of Certificate of Registration.*** — Every foreigner required to
12 register under this Act or the parent or guardian of such foreigner shall, upon demand of any
13 authorized immigration official, present his/her certificate of registration, and failure to do so
14 without justifiable cause shall be dealt with in accordance with the provisions of this Act.

15
16 **SEC. 108. *Reportorial Requirements.*** — Every foreigner registered under this Act
17 shall, within the first sixty (60) days of every calendar year, report in person to the Commission
18 subject to the payment of prescribed fees. The parent or legal guardian of foreigners below
19 fourteen (14) years of age shall have the duty to comply with the requirements prescribed
20 under this Act.

21
22 **SEC. 109. *Failure to Comply with Requirements.*** — A foreigner, or his/her parent or
23 guardian, as the case may be, who, without justifiable reason, fails to comply with all the
24 requirements under this Act, or who files an application for registration containing statements
25 known by him/her to be false, or who utilizes registration documents other than his/her own,
26 shall be dealt with in accordance with the provisions of this Act and other existing laws.

27
28 **SEC. 110. *Cancellation of Registration of Foreign National.*** — In case of death of a
29 foreigner registered under the provisions of this Act, his/her legal heir, representative or
30 administrator must inform the Commission within sixty (60) days from death and the
31 Commission shall cancel such registration. The Local Civil Registrar or other civil registry
32 officer of the locality where said foreigner died shall furnish the Commission with a copy of
33 the Certificate of Death within thirty (30) days from issuance thereof. Failure on the part of

1 the persons concerned to comply with the requirements of this section shall be dealt with
2 pursuant to the provisions of this Act.

3
4 **CHAPTER 2**
5 **BONDS AND DEPOSITS**
6

7 **SEC. 111. *Bonds, When Required.*** — This Commission shall have the authority to
8 require cash bonds in such amounts and under such conditions as it may prescribe:

- 9 (a) To control and regulate the admission into, and departure from, the Philippines of
10 foreigners applying for temporary admission;
11 (b) To insure against foreign passengers liable to be excluded as likely to become
12 public charges; and
13 (c) To insure the appearance of foreigners released from custody during the course of
14 deportation proceedings instituted against them.
15

16 **SEC. 112. *Requirement of Cash Deposits for Overtime Services.*** — The Commission
17 shall likewise have the authority to require cash deposits in such amounts as may be necessary
18 from a vessel's owner, operator, captain, master, pilot, agent, or consignee or other persons
19 served to cover payments for overtime services to be performed by officers and employees of
20 the Commission.
21

22 **SEC. 113. *Cancellation and Forfeiture of Bonds.*** — When the conditions of the bonds
23 are fulfilled, or in case of a bond posted to insure against a foreigner becoming a public charge,
24 when the Commissioner decides that the likelihood no longer exists, or death of the foreigner
25 on whose behalf the bond is posted, the bond shall be cancelled and released to the depositor
26 or his/her legal representative. In case of violation of the conditions of the bond, the same shall
27 be forfeited and deposited in a trust fund account which may be utilized for the purchase of
28 passage tickets of indigent deportees and to cover the costs of operations in the arrest of a
29 deportee who jumps bail.
30

31 **CHAPTER 3**
32 **RECOGNIZANCE**
33

SEC. 114. *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 or not less than Fifty thousand pesos (PHP 50,000.00) but not more than One hundred thousand pesos (PHP 100,000.00) without prejudice to other administrative sanctions and/or proceedings against the erring party.

CHAPTER 4

COOPERATION AND COORDINATION WITH OTHER OFFICES

SEC. 115. *Working Cooperation with the Department of Foreign Affairs.* — For purposes of efficient implementation and administration of this Act, the Commission shall maintain a working cooperation with the Department of Foreign Affairs.

SEC. 116. *Working Cooperation with the Commission on Higher Education.* — The Commission shall maintain a working cooperation with the Commission on Higher Education with respect to accreditation of schools and learning centers for enrolment of foreign students as authorized under this Act.

SEC. 117. *Coordination with Law Enforcement, Security and Other Offices.* — The Commissioner shall have authority to maintain coordination with the National Security Council, the Philippine National Police, and other law enforcement agencies of the government.

CHAPTER 5

FEES AND CHARGES

SEC. 118. *Authority of the Commissioner to Prescribe, Impose and Collect Fees and Charges.* — The Commissioner is authorized to prescribe, impose and collect fees and charges for services rendered pursuant to the provisions of this Act, which shall take effect fifteen (15) days after the last publication thereof for two (2) consecutive weeks in a newspaper of general circulation.

SEC. 119. *Head Fee.* — Every foreign national who is at least fourteen (14) years of age and admitted to the Philippines for a temporary stay exceeding sixty (60) days shall pay a head fee in an amount to be fixed by the Board.

CHAPTER 6

ADMINISTRATIVE FINES AGAINST VESSELS

SEC. 120. *Fine for Failure to Submit Crew List or Passenger Manifest, or Failure to Account Every Passenger and Crew.* — Any pilot, master, agent, owner or consignee of a vessel arriving at any port in the Philippines from a place outside thereof who fails to submit to the immigration authorities a complete and accurate crew list or passenger manifest, or fails to produce or account every crewmember or passenger whose name appears in said list or manifest shall be subject to fines of One hundred thousand pesos (PHP 100,000.00) and Fifty thousand pesos (PHP 50,000.00) for each unaccounted person, respectively.

SEC. 121. *Fine for Violation of Obligation on the Landing or Removal of Foreigners.*
— A pilot, master, agent, owner or consignee of any vessel arriving at a port of the Philippines from a place outside thereof in violation of this Act shall be fined not less than Fifty thousand pesos (PHP 50,000.00) but not more than Two hundred thousand pesos (PHP 200,000.00) for each violation.

SEC. 122. *Fine for Bringing Undocumented Foreigner, or Foreigner Afflicted with Communicable or Contagious Disease, or Suffering from Mental Disorder.* — The pilot, master, agent, owner or consignee of the vessel arriving at a port in the Philippines from a place outside thereof bringing on board an undocumented foreigner shall be fined One hundred thousand pesos (PHP 100,000.00) for each foreigner. If the foreigner is afflicted with a communicable or contagious disease or is suffering from mental disorder, the fine shall be not less than Two hundred thousand pesos (PHP 200,000.00) but not more than Three hundred thousand pesos (PHP 300,000.00) for each foreigner.

SEC. 123. *Fine for Bringing a Foreigner to Assist His Illegal Entry or Misrepresenting a Foreigner as a Member of the Crew.* — The pilot, master, agent, owner or consignee of the vessel arriving at a port in the Philippines from a place outside thereof bringing on board a foreigner bound for the Philippines to assist his/her illegal entry, or misrepresenting the

1 foreigner to the Immigration Officer at the port of arrival as a bona fide member of the crew,
2 shall be fined not less than One hundred thousand pesos (PHP 100,000.00) but not more than
3 Two hundred thousand pesos (PHP 200,000.00) for each foreigner.

4
5 **SEC. 124.** *Fine for Violation of Other Provisions of this Act.* — The pilot, master, agent,
6 owner or consignee of the vessel arriving at a port in the Philippines from a place outside
7 thereof who violates any other provision of this Act not specifically provided in this Chapter
8 shall be fined not less than Fifty thousand pesos (PHP 50,000.00) but not more than Two
9 hundred thousand pesos (PHP 200,000.00) for each violation.

10
11 **CHAPTER 7**
12 **OTHER PENAL PROVISIONS**
13

14 **SEC. 125.** *Other Prohibited Acts and Penalties Thereof.* — Any person who shall
15 commit any of the acts specified hereunder shall, upon conviction, suffer the penalty of prison
16 correctional in its maximum period to prison mayor in its minimum period or a fine of not less
17 than One hundred thousand pesos (PHP 100,000.00) but not more than Five hundred thousand
18 pesos (PHP 500,000.00), or both, at the discretion of the court:

- 19 (a) Impersonates another individual, or falsely appears in the name of a deceased
20 individual, or evades the immigration laws by using an assumed or fictitious name
21 when applying for an immigration document;
- 22 (b) Issues or otherwise disposes of an immigration document or an immigration
23 accountable form, to any person not authorized by law to receive such documents;
- 24 (c) Obtains, manufactures, prints, accepts or uses any immigration or travel document
25 knowing it to be false or uses immigration accountable form that is not legally
26 issued;
- 27 (d) Enters the Philippines without inspection and admission by the immigration
28 authorities, or obtains entry into the Philippines by fraud, misrepresentation, or
29 concealment of material facts;
- 30 (e) Misrepresents himself/herself to be a Philippine citizen;
- 31 (f) Knowingly makes under oath any false statement regarding any immigration
32 matter; or
- 33 (g) Brings into, or lands in the Philippines, or conceals, harbors, employs, or gives
34 comfort to any person not duly admitted by any immigration officer or not lawfully

1 entitled to enter into or resides within the Philippines, or attempts, conspires with,
2 or aids another to commit any such acts.
3

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

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

22 **SEC. 126. *Penalty for Non-compliance of Subpoena.*** — Any person who, having been
23 duly served with a subpoena, fails to comply without valid and justifiable reasons shall, upon
24 conviction, suffer the penalty of imprisonment of not more than fifteen (15) days or a fine of
25 not more than One thousand pesos (P1,000.00), or both, at the discretion of the court.
26

27 **SEC. 127. *Penalty for an Overstaying Crewmember.*** — Any foreign crewmember who
28 willfully remains in the Philippines beyond the period allowed him/her for temporary landing
29 shall, upon conviction, suffer the penalty of imprisonment of six (6) months or fine of not less
30 than Fifty thousand pesos (PHP 50,000.00) but not more than One hundred thousand pesos
31 (PHP 100,00.00), or both, at the discretion of the court.
32

33 **SEC. 128. *Imposition of Maximum Penalty, When Applicable.*** — A person convicted
34 under Republic Act No. 3019, as amended, otherwise known as the "Anti-Graft and Corrupt

1 Practices Act," or other laws against corruption and bribery who shall violate or circumvent
2 any provisions of this Act shall, upon conviction, suffer the maximum penalty for such
3 offenses as provided under this Act.

4 5 **CHAPTER 8** 6 **FUNDING** 7

8 **SEC. 129. *Funding.*** — In addition to its annual budget under the General
9 Appropriations Act, the Commission is hereby authorized to retain and use fifty percent (50%)
10 of its income derived from collection of immigration fees, fines, penalties and charges to pay
11 hazard pay, subsistence allowance and other monetary benefits at rates fixed by the
12 Commissioner and for maintenance and other operating expenses, intelligence and law
13 enforcement, information and communication technology infrastructure, transportation
14 facilities and other capital outlay expenditures. The Commission is likewise hereby authorized
15 to retain and use its income in excess of the prescribed collection targets.

16 17 **CHAPTER 9** 18

19 **SEC. 130. *Staffing Pattern and Salary Schedule.*** — To carry out the provisions of this
20 Act, the Commissioner shall submit a new staffing pattern and salary schedule for approval,
21 which shall be in accordance with the Salary Standardization Law and other applicable laws
22 under the National Compensation and Classification Plan.

23
24 **SEC. 131. *Reorganization of the Commission.*** — Upon approval of this Act, all
25 employees of the Bureau of Immigration covered by the civil service law and regulations shall
26 continue to hold their present positions pending the reorganization of the Commission in
27 accordance with the new staffing pattern: *Provided*, That the salaries, wages, allowances and
28 other benefits of incumbent officers and employees of the Commission shall not be subject to
29 diminution: *Provided, further*, That in the event that the positions are abolished in accordance
30 with the reorganization, the affected employees shall be retained. *Provided, finally*, That
31 employees who have been dismissed for cause shall no longer qualify for any position in the
32 Commission.

SEC. 132. *Inventory and Transfer of Properties, Accounts, Assets, Liabilities and Obligations to the Commission.* — All buildings, properties, equipment, facilities, accounts, other assets, liabilities and other obligations as well as records of the Bureau of Immigration shall be properly inventoried and transferred to the Commission.

SEC. 133. *Treaty or Agreement.* — Any treaty or agreement entered into between the Philippines and any foreign state before the effectivity of this Act shall remain in force and effect.

SEC. 134. Pending Cases. — Any prosecution, suit, action, proceeding, or any act or matter, civil or criminal, pending at the time of the effectivity of this Act shall not be affected by the provision of this Act unless otherwise applicable.

CHAPTER 10

ADMINISTRATION AND IMPLEMENTATION

SEC. 135. *Administration and Implementation Abroad.* — The administration and implementation of this Act abroad, including the rules and regulations as well as policies arising from it shall be the responsibility of the Department of Foreign Affairs through Philippine diplomatic and consular establishments.

SEC. 136. *Implementing Rules and Regulations.* - The Commission, upon consultation with the Department of Foreign Affairs and other concerned government agencies or offices and subject to the approval of the Secretary, shall promulgate the rules and regulations for the implementation of this Act within one hundred twenty (120) days from its effectivity

CHAPTER 11

FINAL PROVISIONS

SEC. 137. *Separability Clause.* - If any of the provisions of this Act is held invalid or unconstitutional, the other provisions not affected thereby shall continue to be in force and effect.

1 **SEC. 138. *Repealing Clauses.*** - (a) Commonwealth Act No. 613, otherwise known as
2 the Philippine Immigration Act of 1940, as amended, is hereby repealed; (b) All laws,
3 presidential decrees, executive orders, proclamations, memorandum orders, instructions, rules
4 and regulations or parts thereof inconsistent with this Act are hereby amended or modified
5 accordingly.

6
7 **SEC. 139. *Effectivity Clause.*** -This Act shall take effect fifteen (15) days after its
8 complete publication in the Official Gazette or in two (2) newspapers of general circulation.

9
10 *Approved,*