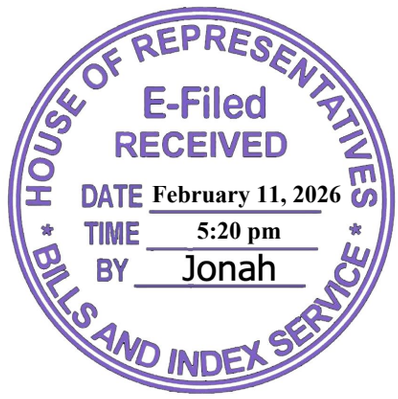
Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session



House Bill No. **7778**

Introduced by
JUAN CARLOS "ARJO" C. ATAYDE

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

EXPLANATORY NOTE

The Philippines has a deeply rooted culture of hospitality and compassion for others. Since the early 1900s, it has opened its arms and served as a safe haven for vulnerable and marginalized refugees[1] asylum seekers, stateless applicants, stateless persons, and populations at risk of statelessness who often fall through the cracks of State systems.

The country's steadfast commitment to provide a favorable and protective environment for these persons of concern (POC) is embodied in our robust policy and legal framework. The Philippines is one of the few countries in the Asia-Pacific region to become a State Party to the *1951 Convention Relating to the Status of Refugees and its 1967 Protocol (henceforth referred to as the 1951 Refugee Convention and its 1967 Protocol)*[2] in 1981 and is the first in Southeast Asia to ratify the 1954 Convention Relating to the

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[1] To date, there have been nine (9) waves of refugees in the Philippines. This serves as a testament to the country as a beacon of hope and humanitarian spirit for those who need protection. There are also 13 cities who stand in solidarity #WithRefugees. For more information, please refer to the 9 waves of refugees in the Philippines.

The President, in commemoration of World Refugee Day, issued Presidential Proclamation No. 265 series of 2023 declaring every 20 June as National Refugee Day. It enjoins relevant government agencies, civil society organizations, private sector, among other stakeholders to participate and support in the implementation of the Proclamation. It also highlights relevant frameworks such as Executive Order No. 163 series of 2022 and the Philippine Development Plan 2023 - 2028.

Source:
a. Presidential Proclamation No. 265 series of 2023

[2] For more information on the 1951 Refugee Convention and its 1967 Protocol, please refer to: https://www.unhcr.org/3b66c2aa10.

Status of Stateless Persons[3] *(hereafter referred to as the 1954 Statelessness Convention)* in 2011 and the 1961 Convention on the Reduction of Statelessness[4] in 2022. It has also adopted the Global Compact on Refugees[5] in 2018. These highlight how States can identify and better protect and promote the rights of refugees and stateless persons. Executive Order No. 163 series of 2022 institutionalizes access to protection services for refugees, asylum seekers, and stateless persons and establishes an inter-agency mechanism to implement the same. In line with this and through the years, several policies and laws providing access to social services[6], employment, livelihood and practice of profession[7], education[8], access to justice[9], documentation and the right to freedom of movement[10], and acquisition/recognition/confirmation of Philippine citizenship[11] have been issued. These have been the product of the Philippines' inter-

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[3] For more information on the 1954 Statelessness Convention, please refer to: https://www.unhcr.org/ibelong/wp-content/uploads/1954-Convention-relating-to-the-Status-of-Stateless-Persons_ENG.pdf

[4] For reference, please see: https://www.unhcr.org/ibelong/wp-content/uploads/1961-Convention-on-the-reduction-of-Statelessness_ENG.pdf

[5] The Global Compact on Refugees (GCR) serves as the blueprint to strengthen responses to refugee movements and situations of prolonged displacement and enable refugees to be self-reliant in order to contribute to their communities and live dignified lives. For more information, please see: https://www.unhcr.org/ph/the-global-compact-on-refugees

[6] Such as Department of Social Welfare and Development (DSWD) Memorandum Circular (MC) No. 2022-15 (as amended by DSWD MC No. 2022-16) which includes refugees, asylum seekers, and stateless persons in the Assistance to Individuals in Crisis Situations (AICS) program.

Source:
1. DSWD MC No. 2022-016
2. DSWD MC No. 2022-015

[7] Such as:

a. Department of Labor and Employment Order No. 186-17 exempting refugees and stateless persons from securing an Alien Employment Permit, thereby allowing them to access gainful employment in the country. To implement the same, the DOLE, Department of Justice, Bureau of Immigration, and the Bureau of Internal Revenue issued joint guidelines on the same.
b. Department of Trade and Industry (DTI) Administrative Order No. 3883 (*An Act to Regulate the Transaction of Names Other than True Names)* which allows refugees and stateless persons to be able to engage in agriculture, industry, handicrafts, and commerce and to establish commercial and industrial companies.
c. DTI Internal Memorandum dated 25 November 2016 on extending assistance to refugees in DTI Negosyo Centers.
d. Professional Regulation Commission (PRC) Resolution No. 1865 series of 2024 providing for the Special Rules on the Documentary Requirements Applicable to Asylum Seekers, Refugees and Stateless Persons Applying for Special Temporary Permit (STP) in the Philippines

[8] Refugees and stateless children are able to access basic education in the Philippines on an equal basis with other children pursuant to Republic Act 10533 otherwise known as the Enhanced Basic Education Act of 2013.

The Technical Education and Skills Development Authority (TESDA) issued Circular No. 24 series of 2018 which aims to assist asylum seekers, refugees, and stateless persons in the identification of the needed skills training and provision of access to technical education and vocational training institutions and providers offering regular programs where courses offered are not subsidized by government funds.

[9] The Public Attorney's Office (PAO), by virtue of its mandate, membership under the Inter-Agency Steering Committee (IASC) on the Protection of Refugees, Asylum Seekers, and Stateless Persons, and the PAO-UNHCR Memorandum of Understanding, renewed in 2023, provides free legal assistance and representation to indigent refugees, stateless persons as well as asylum and stateless applicants. Further, Section 5(f), Rule I of the Department of Justice Circular No. 24 series of 2022 persons of concern enjoy several rights, including "courts and legal assistance".

[10] Pursuant to existing laws and policies (such as Republic Act 11983, otherwise known as the New Philippine Passport Act and its implementing rules and regulations (IRR), and Commonwealth Act 613, otherwise known as the Philippine Immigration Law of 1940, Department of Justice Circular No. 24 series of 2022, Department of Justice Circular No. 26), refugees and stateless persons are accorded with travel documents that allow them to legally enter, leave, and stay in the country. Republic Act 11055 (*Philippine Identification System Act*) and its IRR also includes refugees, stateless persons and populations at risk of statelessness in the implementation of the national ID system. It should be further noted that pursuant to Section 13 of Commonwealth Act 613, stateless persons are also issued with visas.

To date more than 100 refugees have been registered in the PhilSys following the 1st and 2nd National Refugee Day celebrations.

Sources:
1. Republic Act 11983 (which repealed Republic Act 8239) and its IRR
2. Commonwealth Act 613
3. Department of Justice Circular No. 24 series of 2022
4. Department of Justice Circular No. 26 series of 2018
5. Republic Act 11055

[11] Operationalizing the 2016 Supreme Court rulings on foundlings, Republic Act 11767 and its Implementing Rules and Regulations recognizes foundlings as presumed natural-born Filipino citizens.

The Supreme Court en banc approved the Rule on Facilitated Naturalization of Refugees and Stateless Persons and its accompanying Guidelines on the Implementation of the Alternative Publication on the Official Website of the Supreme Court of Petitions for Naturalization Involving Refugees and Stateless Persons. The Rule, while anchored on Commonwealth Act 473, expedites the judicial naturalization procedure and introduces innovations, in line with the

agency and holistic approach to refugee protection and addressing statelessness as embodied in the Inter-Agency Committee on the Protection of Refugees, Asylum Seekers, and Stateless Persons (IAC) pursuant to Executive Order No. 163 series of 2022, the Inter-Agency Steering Committee (IASC)[12] on the Protection of Refugees, Asylum Seekers, and Stateless Persons created by virtue of an Agreement of the same name and the 7 Technical Working Groups (TWG) under the 7-Action Point National Action Plan (NAP) to End Statelessness[13].

The Department of Justice issued Department of Justice Circular No. 24 series of 2022[14], repealing its Circular No. 58 series of 2012[15], and thereby enhancing the Refugee and Stateless Status Determination Procedure with the Department of Justice – Refugees and Stateless Persons Protection Unit (DOJ-RSPPU) at its helm. The strengthened non-adversarial and administrative procedure is governed by the right to due process as well as principles under international law, such as non-refoulement, non-detention on account of being an applicant, refugee or stateless person, non-deprivation of refugee or stateless status, non-discrimination, and preservation and promotion of family unity, among others. It outlines the mandate of the DOJ-RSPPU as the lead agency on these POC and is tasked to coordinate with relevant government agencies and other key stakeholders to provide durable solutions and ensure the protection of POC.

Despite these positive developments, the Philippines has yet to enact a comprehensive and enabling law for refugees, asylum seekers, stateless applicants, stateless persons and populations at risk of statelessness. The institutional capacity of the DOJ-RSPPU is constrained by the lack of an allocated budget and limited staff complement as Protection Officers of the RSPPU concurrently perform their roles as State Counsels of the Legal Staff of the DOJ[16]. In addition, a guiding law, together with Executive Order No. 163 series of 2022, will enable relevant agencies such as the

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Supreme Court's rule-making power. These include the conduct of continuous trial, alternative publication in the Supreme Court website, allowing unaccompanied children to file a petition for naturalization in line with the right of the child to a nationality, and reduced docket and other legal fees. It also upholds the principle of non-discrimination in view of the disqualifications and further considers the specific and unique vulnerabilities of refugees and stateless persons with regard to qualifications and documentary requirements.

Judicial or Administrative Naturalization procedures under Commonwealth Act 473 (*Revised Naturalization Law)* and Republic Act 9139 (*The Administrative Naturalization Law of 2000*) remain accessible to asylum seekers and other foreign nationals.

Sources:

1. Republic Act 11767 and its Implementing Rules and Regulations
2. Rule on Facilitated Naturalization of Refugees and Stateless Persons and Guidelines on the Implementation of the Alternative Publication on the Official Website of the Supreme Court of Petitions for Naturalization Involving Refugees and Stateless Persons
3. Commonwealth Act 473
4. Republic Act 9139

[12] The Inter-Agency Steering Committee aims to ensure access to rights and services in view of the Philippines' obligations under the 1951 Refugee Convention and its 1967 Protocol and 1954 Statelessness Convention. It is composed of 19 member agencies (from the Executive and Judicial branches of Government) and is further categorized into four clusters: (a) Documentation and Coordination, (b) Access to Justice, (c) Welfare Assistance and Health, and (d) Self-Reliance and Education. The IASC has been crucial in further enhancing the policy framework of the Philippines n refugee protection and statelessness (*for more information please refer to footnote #s 3 to 8).*

[13] Formally launched in 2017, the National Action Plan (NAP) to End Statelessness utilizes a four-pronged approach to addressing statelessness through identification and protection of stateless persons and prevention and reduction of statelessness. The NAP's Technical Working Groups are co-led by the Department of Justice and another mandated government agency and its members are composed of agencies from all branches of Government. It works with the IASC to ensure that stateless persons and populations at risk of statelessness are able to access rights and services.

[14] Department of Justice Circular No. 24 series of 2022

[15] Department of Justice Circular No. 58 series of 2012

[16] It should be noted that in 2023, the Senate has successfully advocated for the inclusion of financial resources for the DOJ-RSPPU under the 2024 General Appropriations Act.

members of the IASC, IAC, and NAP TWGs, to pursue more inclusive policies, plans, and programs. With these in mind, this bill aims to:

1. Institutionalize the Refugee and Stateless Status Determination Procedure;
2. Outline the rights and obligations of refugees and stateless persons pursuant to the 1951 Refugee Convention and its 1967 Protocol and the 1954 Statelessness Convention; and,
3. Expand the current Refugees and Stateless Persons Protection Unit into an Office with allocated funding in the General Appropriations Act and designated personnel with expertise on refugee protection and addressing statelessness.

This proposed measure is also being undertaken to realize the vision set forth in the 2030 Agenda of leaving no one behind and Chapter 3 of the Philippine Development Plan 2023 - 2028[17]. It also seeks to fulfill the Philippines' commitments to enhance the legislative framework for refugees and stateless persons as manifested during the 2019 and 2023 Global Refugee Forum[18], 2019 High-Level Segment on Statelessness[19] and the 2011 Ministerial Intergovernmental Event on Refugees and Stateless Persons[20].

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

REP. JUAN CARLOS "ARJO" C. ATAYDE

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17 Source: https://pdp.neda.gov.ph/wp-content/uploads/2023/01/PDP-2023-2028_Chapter-3.pdf.

In the previous Philippine Development Plan (for 2017 - 2022) includes refugees, asylum seekers, and stateless persons in Chapters 11 and 21 and identifies the following strategies to ensure their continued protection: (1) enhancement of the policy and legislative framework, (2) institutionalization of access to social services, and (3) development of the database management system on these persons of concern.

18 For more information on the Philippines' pledges during the Global Refugee Forum, please see: https://www.unhcr.org/events/conferences/5ecd458c4/outcomes-global-refugee-forum-2019.html

19 For more information on the Philippines' pledges during the High-Level Segment on Statelessness, please see: https://www.unhcr.org/ibelong/results-of-the-high-level-segment-on-statelessness/

20 For more information on the Philippines' pledges during the Ministerial Intergovernmental Event on Refugees and Stateless Persons, please see: https://www.refworld.org/docid/50aca6112.html

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

Chapter 1
GENERAL PRINCIPLES

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

SECTION 2. *Declaration of Policy* – It is hereby declared the policy of the State to value the dignity of every human being, including refugees, asylum seekers, stateless applicants, stateless persons, and populations at risk of statelessness and to guarantee the respect for individual rights. In pursuit of this policy, the State shall give priority to the enactment of measures and development of programs that will promote the human dignity of refugees, stateless applicants, stateless persons, and populations at risk of statelessness and, protect them from any threat or violence and further persecution and exploitation, and ensure their reintegration into mainstream society.

In keeping with core international human rights instruments to which the State is a party, and consistent with Section 2, Article II of the 1987 Constitution which adopts the generally accepted principles of international law as part of the law of the land, the State shall exert efforts to address the vulnerabilities of refugees, asylum seekers, stateless applicants, stateless persons, and populations at risk of statelessness and by codifying matters pertaining to their status, obligations, rights and treatment, in keeping with their fundamental freedoms guaranteed under the provisions of the 1951

Convention Relating to the Status of Refugees and its 1967 Protocol, and the 1954 Convention Relating to the Status of Stateless Persons, and the 1961 Convention on the Reduction of Statelessness.

SECTION 3. *Definition of Terms* – As used in this Act, the following terms are hereby defined as[21]:

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

(b) "1967 Protocol" refers to the 1967 Protocol Relating to the Status of Refugees;

(c) "1954 Statelessness Convention" refers to the 1954 United Nations Convention relating to the Status of Stateless Persons;

(d) "1961 Statelessness Convention" refers to the 1961 Convention on the Reduction of Statelessness

(e) "Alternatives to detention" refer to procedures allowing POC to reside in the community, subject to a number of conditions or restrictions on their freedom of movement where necessary and human rights standards as provided under national and international law.

(f) "Applicant" refers to a person who has submitted the Application, including their accompanying and applying Family Members, or in the case of a child or incapacitated person, the person on whose behalf an Application was submitted;

(g) "Asylum seeker" refers to a person who is seeking international protection and whose claim has not been finally decided upon.

(h) "Application" refers to the formal written claim to refugee or stateless status, as the case may be, and initiates the status determination procedure.

(i) "Bureau" refers to the Bureau of Immigration;

(j) "Child" refers to a person below eighteen (18) years of age or a person who is 18 or over 18 years of age but who is unable to fully take care of, or protect herself or himself or themselves from abuse, neglect, cruelty, exploitation, persecution, or discrimination because of a physical or mental disability or condition;

(k) "Commissioner" refers to the Commissioner of the Bureau;

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[21] References:
a. Section 1, Rule I, DOJ Circular No. 24 s. 2022
b. Section 2 of EO 163 s. 2022
c. Article 1 of the 1951 Refugee Convention
d. Article 1 of the 1954 Statelessness Convention

(l) "Country of Origin" refers to (i) the country to which an Asylum Seeker is a national or citizen; (ii) to the country of the Asylum Seeker's former habitual residence, if not having a nationality; or (iii) to the country to which a stateless status Applicant is a habitual resident;

(m) "DFA" refers to the Department of Foreign Affairs;

(n) "Durable solutions" refer to the satisfactory and permanent resolution of refugee or stateless status ensuring national protection for their civil, cultural, economic, political and social rights. For refugees, a durable solution requires (re-) establishment of a permanent legal status and generally involves voluntary repatriation, local integration or resettlement. For stateless persons, the only durable solution is the acquisition/confirmation of nationality.[22]

(o) "Family Members" refer to the spouse and children below 18 years of age who accompany the Applicant. The term also includes any person who is dependent socially, economically or emotionally upon the Applicant; / to the legal spouse and/or child of the Applicant.

(p) "Non-refoulement" is a principle of customary international law which provides that no State shall expel or return ("refouler") a refugee in any manner whatsoever, to the frontiers of territories where his or her or their life or freedom would be threatened on account of his or her or their religion, nationality, membership in a particular social group or political opinion.

(q) Protection refers to all activities aimed at ensuring full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law, such as human rights law, humanitarian law, and refugee and statelessness law;

(r) "Protection Officer" refers to an officer of the Refugees and Stateless Persons Protection Office who evaluates the claims of the Applicant to refugee and stateless status and their eligibility for protection;

(s) "Persons of Concern or POC" collectively refers to refugees, asylum seekers, stateless applicants, stateless persons and populations at risk of statelessness;

(t) "PSA" refers to the Philippine Statistics Authority;

(u) "Recognized Refugee or Stateless Person" refers to an Applicant who has been determined as a refugee or stateless person by the RSPPO;

(v) "Refugee" refers to a person, who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her or their

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[22] Reference: UNHCR's Glossary of Terms: https://www.unhcr.org/glossary

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

(w)"RSPPO" refers to the Refugees and Stateless Persons Protection Office;

(x) "Secretary" refers to the Secretary of Justice;

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

(z) "UNHCR" refers to the United Nations High Commissioner for Refugees;

SECTION 4. *Basic Principles*[23] – This Act shall be governed by the following principles:

(a) Non-discriminatory application of the refugee and stateless status determination procedure, taking into consideration, among others, their age, gender, disability, and diversity.

(b) Non-deprivation of refugee or stateless status and non-discrimination in the application of the 1951 Refugee Convention and its 1967 Protocol and the 1954 Statelessness Convention on account of race, religion, political opinion, or country of origin;

(c) Preservation and promotion of family unity;

(d) Best interest of the child as the primary consideration in all actions concerning children, including those who are unaccompanied and separated.

(e) Non-detention on account of being stateless or a refugee;

(f) Non-refoulement: an applicant for refugee status and/or their dependents during the pendency of their application, or a recognized refugee shall not be expelled or returned to a country where there are valid reasons to believe that their life or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group or political opinion.

The principle of non-refoulement, pursuant to customary international law, may also apply to other individuals whose lives or freedom may be threatened;

(g) An applicant for refugee status and/or their dependents shall not be punished on account of their illegal entry or presence in the country, provided they present themselves to the authorities and/or shows good cause for his or her or their illegal entry or presence;

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[23] Reference: Section 3, Rule I and Sections 1 to 3, Rule IX of DOJ Circular No. 24 s. 2022

(h) Recognized refugees and stateless persons shall enjoy the same treatment accorded to aliens generally, unless otherwise provided in this Act; and

(i) After a period of three (3) years' residence, all recognized refugees and stateless persons shall enjoy exemption from reciprocity required by law[24].

Chapter 2
REFUGEES AND STATELESS PERSONS PROTECTION OFFICE

SECTION 5. *Refugees and Stateless Persons Protection Office.* - There is hereby created the Refugees and Stateless Persons Protection Office (RSPPO) as an attached agency of the Department of Justice (DOJ). The RSPPO shall be independent and autonomous, but attached to the DOJ for purposes of policy and program coordination.[25]

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

(a) Facilitate identification, registration, status determination, and protection of refugees and stateless persons under the terms of this Act, guided by the 1951 Refugee Convention and its 1967 Protocol and the 1954 and 1961 Statelessness Conventions, respectively;

(b) Establish and implement a fair, efficient, transparent, adaptable and non-adversarial procedure to facilitate identification, treatment, and protection of refugees and stateless persons, including applicants, consistent with this Act, international law, and humanitarian tradition of the Republic of the Philippines[26]; *Provided,* that alternatives to detention throughout the procedure shall be promoted.

(c) Issue visas and other relevant documentation to refugees, asylum seekers, stateless applicants, and stateless persons in accordance with laws, rules and regulations. The requirements and validity of such documentation shall be guided by the implementing rules and regulations and will take into consideration the specific circumstances and vulnerabilities of refugees, asylum seekers, stateless applicants, and stateless persons.

(d) Formulate and coordinate the development, implementation, monitoring, and evaluation of government policies, plans, and programs, including integration

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[24] References:
a. Paragraph 2 Article 7 of the 1951 and 1954 Conventions - *After a period of three years' residence, all stateless persons shall enjoy exemption from legislative reciprocity in the territory of the Contracting States.*
b. Commentary on the Refugee Convention - https://www.unhcr.org/3d4ab5fb9.pdf)

[25] References:
1. Chapter 7 (Administrative Relationship) of Executive Order No. 292 (*Administrative Code of 1987*)
2. Section 2 (Amendments to Section 14 Chapter 5, Title III, Book IV of Executive Order No. 292) of Republic Act 9406

[26] Hospitable nature and humanitarian tradition of the Philippines is embodied in the tradition of accepting refugees. To date, the Philippines has been a safe haven for 9 waves of refugees.
Source: https://www.unhcr.org/ph/11886-9wavesrefugees.html

in development, sectoral and emergency response and recovery frameworks, towards the protection and pursuit of durable solutions for and with POC;

(e) Coordinate with relevant agencies in ensuring access to services, including provision of shelter to refugees, asylum seekers, stateless applicants, and stateless persons in coordination with the Department of Human Settlements and Urban Development and local government units (LGUs)[27];

(f) Assist and coordinate with government agencies, civil society organizations, the UNHCR and other agencies of the United Nations, whenever necessary, to consider and facilitate means and measures aimed at finding durable solutions for refugees and stateless persons and ensuring their protection and access to appropriate assistance and services; and

(g) To perform such acts as may be necessary to carry into effect the provisions of this Act and other laws, rules, and regulations relating to refugees and stateless persons.

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

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

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

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

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

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[27] Vis-à-vis Republic Act 11201

The Senior Protection Officers shall have a Salary Grade of 28 and must have at least four (4) years' experience or exposure in the field of refugee and statelessness matters and/or human rights.

The Associate Protection Officers shall have a Salary Grade of 27 and must have at least two (2) years' experience or exposure in the field of refugee and statelessness matters and/or human rights; *Provided,* that at least eight (8) Protection Officers are members of the Philippine Bar.

Personnel of the RSPPO shall have a Salary Grade between 15 to 19 whose responsibilities and qualifications shall be determined by the Executive Director in accordance with civil service laws, rules, and regulations.

The Executive Director shall determine the functions and responsibilities of the Protection Officers subject to existing laws, rules and regulations[28].

Chapter 3
REFUGEE AND STATELESS STATUS DETERMINATION PROCEDURE

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

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

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

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

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

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[28] Note: Subject to Civil Service Commission regulations/policies.

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

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

SECTION 11. *Suspensive Effect of the Application.* - Any proceeding for the deportation or exclusion of the Applicant and/or their Family Members shall be suspended upon filing of the Application until a final determination of their status has been reached, regardless of the stage of the proceedings.

To uphold safe, humane and dignified treatment for applicants as part of the fundamental right to seek international protection and to strengthen vital procedural rights, alternatives to detention (ATD), to the extent possible, shall be considered as part of the RSSD procedure. Necessity, reasonableness and proportionality of detention shall be assessed.

The Applicant, together with their Family Members as may be relevant, who may be detained for an immigration-related violation, may be released from custody upon the order of the Executive Director, or their duly authorized representative upon the recommendation of the Executive Director, subject to the conditions that the former may impose.

The Executive Director, in the exercise of the power to release an Applicant and/or their Family Members from detention, may take into consideration their special needs and/or circumstances, such as if they are victim-survivors of trauma or torture, victim-survivors or potential victims of trafficking, children, women, or non-binary (lesbian, gay, bisexual, transgender, queer, intersex or asexual), persons with disability, and/or elderly.

The Commissioner shall implement the order of release, informing the RSPPO of the action thereon.

SECTION 12. *Priority of Refugee Status Determination.* – Where in the Application for recognition as a stateless person or in the processing thereof, a refugee claim appears to exist, the stateless status determination shall, with the consent of the Applicant, be suspended and the Application shall be considered first for refugee status determination. If the claim to refugee status is denied with finality, the stateless status determination shall recommence automatically.

SECTION 13. *Burden of Proof*[29]. - The burden of proof in a claim to refugee or stateless status, in principle, rests on the Applicant. However, the duty to ascertain and evaluate all the relevant facts is a shared and collaborative burden between the Applicant and the Protection Officer.

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[29] Section 3, Rule IV of DOJ Circular No. 24 s. 2022. See also, *Sabir v. DOJ-RSPPU, G.R. No. 249387, August 2, 2022*

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

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

SECTION 14. *Rights of an Applicant*[30]. - From the time of the filing of the Application, until the finality of the decision on the Application, the Applicant shall have the following rights:

a. To legal counsel, including legal representation and counselling from the Public Attorney's Office subject to its rules and regulations[31];
b. To be informed and have access to the procedure and to due process;
c. To the extent possible, to have the Applicant's interview conducted in a private, secure, and appropriate location, and in a confidential manner;
d. To participate in the procedure in a language and manner they understand and to have access to the services of an interpreter, if necessary;
e. To have access to the UNHCR;
f. To have protection from any forcible return in any manner whatsoever, to a country where he or she or they may face persecution on account of his or her or their race, religion, nationality, membership of a particular social group or political opinion; and,
g. To access protection services as provided under existing laws, rules and regulations.

Nothing herein shall be construed in a manner that will diminish the enjoyment of such rights Applicants who shall have the right to avail of greater rights provided under the 1951 Refugee Convention and its 1967 Protocol and the 1954 and 1961 Statelessness Conventions, international human rights treaties of which the Philippines is a State Party to and existing laws, rules, and regulations, including those granted under this Act.

SECTION 15. *Group-based procedures*[32]. - The RSPPO may activate procedures for group-based recognition for large-scale situations characterized by the arrival across an international border of persons in need of international protection in such numbers and at such rate as to render individual determination of their claims impracticable.

SECTION 16. *Security Clearance*[33]. - Prior to the issuance of a decision recognizing the refugee or stateless status by the RSPPO, it will endorse the relevant personal

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[30] Reference: Section 4, Rule IV of DOJ Circular No. 24 s. 2022

[31] Including lawyers who may be extending assistance to an indigent Applicant pursuant to the Unified Legal Aid Service Rules and Manual where they, including indigent refugees and stateless persons, are included as qualified beneficiaries.

[32] Reference: Section 6, Rule II of DOJ Circular No. 24 s. 2022

[33] Reference: Section 7, Rule IX of DOJ Circular No. 24 s. 2022

information of the Applicant to the appropriate security agency of the government for vetting of any derogatory information which may affect his or her or their application.

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

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

Chapter 4
RENDERING, FINALITY AND EFFECTS OF THE DECISION AND MODES OF APPEAL

SECTION 17. *Decision.* - A written decision on the Application shall be rendered by the RSPPO within a prescribed period. A decision denying recognition of the Applicant may be appealed pursuant to Sections 19 and 20, Chapter 4 of this Act and in accordance with existing rules and regulations.

SECTION 18. *Request for Reconsideration.* - In case the Application is denied, the Applicant or their counsel may file a letter-request or motion for reconsideration from the decision denying the Application to the RSPPO or appropriate authority within a prescribed period upon any meritorious circumstances as may be identified under the implementing rules and regulations of this Act.

SECTION 19. *Administrative Appeal to the Office of the President*[34]. - A decision or resolution of the RSPPO denying an Application or a letter-request or motion for reconsideration may be appealed to the Office of the President (OP) under the principle of exhaustion of administrative remedies and in accordance with the rules and regulations governing appeals on RSSD cases to the OP.

SECTION 20. *Judicial Appeal.* - In line with the Rules of Court[35], the Applicant may seek judicial review of the decision or resolution on the request or motion for reconsideration of the decision of the OP.

SECTION 21. *Finality of the Decision.* - The decision is deemed final where the Applicant did not request for reconsideration of the decision or seek administrative or judicial appeal pursuant to Sections 19 and 20, Chapter 4 of this Act.

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[34] Reference: Section 1, Rule V of DOJ Circular No. 24 s. 2022; see initially: Administrative Order No. 22 s. 2011

[35] Reference: Rules 43 and 65 of the Rules of Court. The analysis on appeals processes indicated in the Policy Briefs on Legislative Priorities (pages 50 – 57) may be useful.

SECTION 22. *Effects of Recognition.* - The recognition of the Applicant as a refugee or stateless person and the benefits that may be derived thereof, shall also inure, as appropriate, to their Family Members who are present in the Philippines.

Recognized refugees and stateless persons shall enjoy and exercise rights and privileges accorded by the 1951 Refugee Convention and its 1967 Protocol and the 1954 Statelessness Convention, international human rights treaties of which the Philippines is a State Party to and subject to existing laws, rules and regulations including those under Section 11, Chapter 3 of this Act.

Nothing herein shall be construed in a manner that will diminish the enjoyment of such rights. Recognized refugees and stateless persons shall have the right to avail of greater rights provided under the 1951 Refugee Convention and its 1967 Protocol and the 1954 Statelessness Convention, international human rights treaties of which the Philippines is a State Party to subject to existing laws, rules and regulations including those granted under this Act.

Chapter 5
EXCLUSION

SECTION 24. *Persons Excluded from the 1951 Refugee and 1954 Statelessness Conventions.* - The 1951 Refugee and 1954 Statelessness Conventions does not apply to persons:

a. Who are at present receiving from organs or agencies of the United Nations other than the UNHCR protection or assistance so long as they are receiving such protection or assistance;

   When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall *ipso facto* be entitled to the benefits of this Convention.

b. Who are recognized by the competent authorities of the country in which they have taken residence as having the rights and obligations which are attached to the possession of the nationality of that country; or

c. If there are serious reasons for considering that the person:

   1. Has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provisions in respect of such crimes;

   2. Has committed a serious non-political crime outside the Philippines prior to their admission to the Philippines; or

   3. Has been found guilty of acts, contrary to the purposes and principles of the United Nations.

Chapter 6[36]
CANCELLATION, REVOCATION, AND CESSATION OF REFUGEE OR STATELESS STATUS

SECTION 25. *Cancellation of Refugee or Stateless Status.* - The refugee or stateless status shall be cancelled if the recognition was granted erroneously as a result of:

a. Intentional misrepresentation or concealment by the Applicant or a third party of facts that were material to the determination of the claim;

b. New evidence shows that the Applicant ought not to have been recognized in the first place;

c. Recognition was granted on the basis of a material mistake of fact or law;

d. Misconduct of the Applicant (such as threats or bribery) being the motivating reason for the recognition of refugee or stateless status.

SECTION 26. *Revocation of Refugee Status.* - The refugee status shall be revoked if, subsequent to recognition, the refugee engages in conduct that would bring him or her or them within the exclusion grounds under Sections 24(c)(1) and 24(c)(3), Chapter 6 of this Act.

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

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

a. Voluntarily re-availed of the protection of the country of their nationality;

b. Voluntarily re-acquired their lost nationality;

c. Voluntarily acquired a new nationality and enjoys the protection of the country of their nationality;

d. Voluntarily re-established themselves in the country he or she or they left, or outside which he or she or they remained owing to fear of persecution;

e. Enjoys the protection from the country of his or her or their nationality, because the reasons in connection with which he or she or they were granted refugee status have ceased to exist; *Provided*, that this paragraph shall not apply to a refugee who is able to invoke compelling reasons arising

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[36] Reference: Rule VII of DOJ Circular No. 24 s. 2022

out of previous persecution for refusing to avail themselves of the protection of the country of his or her or their nationality; or,

f. Not having a nationality, returned to their country of habitual residence due to changed circumstance; provided, that this paragraph shall not apply to a refugee who is able to invoke compelling reasons arising out of previous persecution for refusing to avail themselves of the protection of the country of their former habitual residence.

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

SECTION 30. *Application for Cancellation, Revocation or Cessation*[37]. - A refugee or stateless person may apply, personally or by electronic means, with the RSPPO for the cancellation, revocation or cessation of their own refugee or stateless status, providing justification and necessary documents, if any, in support of the application.

SECTION 31. *Motu proprio re-examination or re-assessment of refugee or stateless status*[38]. - The RSPPO may review and assess, *motu proprio*, the status of a refugee or stateless person under circumstances that may have come to its attention, including information from any interested person, that justifies a re-examination or re-assessment for the cancellation, revocation, or cessation of such status.

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

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

The refugee or stateless person may appeal to the OP or the courts pursuant to Sections 19 or 20, Chapter 4 of this Act within the period prescribed under existing rules and regulations.

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

Chapter 7
REMOVAL

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[37] Reference: Section 7, Rule VII of DOJ Circular No. 24 s. 2022

[38] Reference: Section 8, Rule VII of DOJ Circular No. 24 s. 2022

SECTION 35. *Removal of a Refugee or a Stateless Person.* – Subject to due process and upholding the principle of non-refoulement pursuant to Section 4(f), Chapter 1 and Section 11, Chapter 3, a refugee or stateless person may be removed from Philippine territory:

a. On grounds of national security or public order; or

b. Where he or she or they have been convicted with finality of a crime punishable by more than six (6) years and is considered a danger to the community[39]

Chapter 8
RIGHTS, OBLIGATIONS, AND TREATMENT OF POC

SECTION 36. *General Obligations.* – Recognized refugees and stateless persons and other POC shall comply with Philippine laws and regulations as well as with measures taken for the maintenance of public order[40].

SECTION 37. *Right to Freedom of Religion.* – Recognized refugees and stateless persons and other POC shall enjoy the right to freedom of religion and the free exercise thereof in the same manner as Filipino citizens[41].

SECTION 38. *Right to Identity and Travel Documents.* - Recognized refugees and stateless persons and other POC shall be issued identity papers and travel documents for the purpose of travelling outside their territory unless compelling reasons of ensuring protection of the refugee, stateless persons and other POC, national security or public order otherwise require. They shall also be given consideration in the issuance of travel documents when unable to obtain travel documents from their country of lawful residence[42].

SECTION 39. *Refugee and Stateless Seafarers.* – Recognized refugees and stateless persons regularly traveling as crew members on board Philippine-registered vessels shall be given access to Refugee and Stateless Determination Procedures[43].

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[39] Reference: Article 25 Act 3815 (Revised Penal Code) in relation to Article 9 (as elaborated in the IRR) - https://www.officialgazette.gov.ph/1930/12/08/act-no-3815-s-1930/

[40] Reference: Article 2 of the 1951 Convention Relating to the Status of Refugees and the 1954 Convention Relating to the Status of Stateless Persons

[41] Reference: Article 4 of the 1951 Convention Relating to the Status of Refugees and the 1954 Convention Relating to the Status of Stateless Persons

[42] Reference: Article 27 and 28 of the 1951 Convention Relating to the Status of Refugees and the 1954 Convention Relating to the Status of Stateless Persons

[43] Reference: Article 11 of the 1951 Convention Relating to the Status of Refugees and the 1954 Convention Relating to the Status of Stateless Persons

SECTION 40. *Movable Property.* – Recognized refugees and stateless persons shall have the right to acquire movable property and other rights pertaining thereto, and to leases and other contracts relating to movable property, in the same manner as foreign nationals generally[44].

SECTION 41. *Intellectual Property.* - Recognized refugees and stateless persons shall have the same right as Filipino citizens with respect to his or her or their intellectual property, such as inventions, designs or models, trademarks, trade names, and of rights in literary, artistic, and scientific works[45].

SECTION 42. *Right to Association.* – As regards non-political and non-profit making associations and trade unions, recognized refugees and stateless persons shall be accorded the same treatment as foreign nationals[46].

SECTION 43. *Access to Courts and Legal Assistance.* – Recognized refugees and stateless persons and other POC shall have the same rights as Filipino citizens in matters pertaining to access to justice, including access to courts, legal assistance, counselling, and representation through the Public Attorney's Office and other pro bono legal aid services by other lawyers[47], and indigency standards that would entitle them to exemption from payment of filing, docket, and other similar fees subject to laws, rules, and regulations[48].

SECTION 45. *Public Relief.* – Recognized refugees and stateless persons shall be accorded the same right as Filipino citizens with public relief and assistance, including but not limited to, inclusion in social welfare, health, subsistence, and emergency response and recovery programs[49].

SECTION 46. *Gainful Decent Employment.* – Recognized refugees and stateless persons shall be exempt from securing an alien employment permit (AEP) as a requirement for engaging in wage-earning and self-employment activities[50]; *Provided, however,* that a provisional or special work permit may be issued by the Bureau while their application for refugee or stateless status determination is pending resolution;[51]

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

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[44] Reference: Article 13 of the 1951 Convention Relating to the Status of Refugees and the 1954 Convention Relating to the Status of Stateless Persons

[45] Reference: Article 14 of the 1951 Convention Relating to the Status of Refugees and the 1954 Convention Relating to the Status of Stateless Persons

[46] Reference: Article 15 of the 1951 Convention Relating to the Status of Refugees and the 1954 Convention Relating to the Status of Stateless Persons; Section 29 of Republic Act 6715, amending Article 269 of Presidential Decree No. 442 (Labor Code of the Philippines)

[47] Reference: Rules on Unified Legal Aid Service and its Manual

[48] Reference: Article 16 of the 1951 Convention Relating to the Status of Refugees and the 1954 Convention Relating to the Status of Stateless Persons

[49] Reference: Article 23 of the 1951 Convention Relating to the Status of Refugees and the 1954 Convention Relating to the Status of Stateless Persons

[50] Reference: Department of Labor and Employment (DOLE) Department Order No. 186-17 - Revised Rules for the Issuance of Employment Permits to Foreign Nationals

[51] Reference: Commonwealth Act No. 108 (https://lawphil.net/statutes/comacts/ca_108_1936.html)

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

SECTION 47. *Housing.* – Recognized refugees and stateless persons shall have the same rights to housing as foreign nationals generally in the same circumstances[52].

SECTION 48. *Public Education and Recognition of Prior Learning.* – Recognized refugees and stateless persons shall have the same right to basic and secondary education as a Filipino citizen. They shall be accorded the same rights as foreign nationals with respect to secondary and tertiary education, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges, and the award of scholarships.

SECTION 49. *Labor Legislation and Social Security.* – Recognized refugees and stateless persons shall be accorded the same treatment as Filipino nationals with respect to labor standards and social security under the Labor Code and other applicable Philippine social security legislations, subject to conditions prescribed therein.

The right to compensation for the death of a refugee or a stateless person resulting from employment injury or from occupational disease shall not be affected notwithstanding the residence of the beneficiary is outside the Philippine territory[53].

SECTION 50. *Freedom of Movement.* – Recognized refugees and stateless persons have the right to choose their place of residence and to move freely within Philippine borders, subject to regulations applicable to foreign nationals generally[54].

SECTION 51. *Fiscal Charges.* – Recognized refugees and stateless persons shall be entitled to the same treatment as Filipino citizens in terms of duties, charges or taxes, except fees or charges concerning issuance of administrative documents, identity papers, issued to foreign nationals[55].

SECTION 52. *Administrative Assistance.* – The RSPPO, DFA, Bureau, Philippine Statistics Authority, and other relevant agencies shall assist refugees or stateless persons in exercising a right which would normally require the action of authorities of a foreign country to whom he or she or they cannot have recourse. Assistance can be in the form of:

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

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[52] Reference: Article 21 of the 1951 Convention Relating to the Status of Refugees and the 1954 Convention Relating to the Status of Stateless Persons

[53] Reference: Article 24 of the 1951 Convention Relating to the Status of Refugees and the 1954 Convention Relating to the Status of Stateless Persons

[54] Reference: Article 26 of the 1951 Convention Relating to the Status of Refugees and the 1954 Convention Relating to the Status of Stateless Persons

[55] Reference: Article 29 of the 1951 Convention Relating to the Status of Refugees

2. In lieu of official instruments and in the absence of proof to the contrary, giving credence to such delivered documents or certifications;

3. Subject to such exceptional treatment as may be granted to indigent persons, fees may be charged for the services mentioned herein, but such fees shall be moderate and commensurate with those charged to nationals for similar services[56].

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

SECTION 53. *Naturalization.* – The State shall, as far as practicable, facilitate the integration and naturalization of recognized refugees and stateless persons. It shall endeavor to expedite both administrative and judicial naturalization proceedings and reduce as far as possible the charges and costs of such proceedings[57].

Chapter 7
MISCELLANEOUS PROVISIONS

SECTION 54. *Monitoring of Human Rights Situation of POC.* - The Commission on Human Rights (CHR) shall monitor the human rights situation of POC in exercise of its Constitutional mandate. Within the Bangsamoro Autonomous Region in Muslim Mindanao, the Bangsamoro Human Rights Commission (BHRC) shall monitor the human rights of POC pursuant to laws, rules, and regulations. The CHR and BHRC shall work together to uphold the rights of POC.

SECTION 55. *Data Protection.* - The information provided by an Applicant under this Act and in other information management activities shall be confidential. The information collected may be used to make a determination of the veracity of the factual statements in the Application and other legitimate purposes in line with the provision of protection and durable solutions for and with persons of concern (POC). The RSPPO shall ensure that the processing of personal information is compliant with the requirements of Republic Act No. 10173, otherwise known as the Data Privacy Act of 2012 and other laws, rules, and regulations allowing disclosure of information to the specific agencies and adherence to the principles of transparency, legitimate purpose and proportionality.

SECTION 56. *Data Sharing with Other Agencies.* - Where the effective cooperation between RSPPO and its partners, including other government agencies and non-government organizations requires the exchange of personal data of refugees, asylum

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[56] Reference: Article 25 of the 1951 Convention Relating to the Status of Refugees and the 1954 Convention Relating to the Status of Stateless Persons

[57] Reference: Article 34 of the 1951 Convention Relating to the Status of Refugees and Article 32 of the 1954 Convention Relating to the Status of Stateless Persons; see also: Rule on Facilitated Naturalization of Refugees and Stateless Persons

seekers and Applicants, such exchange shall be governed by the provisions of the Republic Act No. 10173, otherwise known as the Data Privacy Act of 2012 and the respective Data Sharing Agreements, where the latter exists. The sharing of information with UNHCR is governed by the related provisions in the Conventions and other relevant international instruments.

SECTION 57. *Inter-agency mechanisms.* The established inter-agency bodies such as the Inter-Agency Committee on the Protection of Refugees, Stateless Persons and Asylum Seekers, the inter-agency technical working groups of the National Action Plan to End Statelessness, and Inter-Agency Committee on the Complementary Pathways Programme along with other bodies which may be established shall be retained and continue to function as provided under laws, rules, regulations and agreements.

SECTION 58. *Local Integration*[58]. Local government units (LGUs) are encouraged to support and integrate POC within their communities, conduct information and awareness campaigns, and make available the necessary programs and services to facilitate such integration in local development frameworks, including development programming and emergency response and recovery frameworks.

SECTION 59. *Engagement with Non-government Entities*[59]. The RSPPO may engage with civil society organizations, non-government organizations, the private sector, the academe, communities of POC, faith-based organizations and relevant people's organizations, and UN agencies for the purpose of ensuring collaborative implementation of this Act and widen the support network available to refugees, stateless persons and Applicants.

SECTION 60. *Applicants who may also be Victims - Survivors of Trafficking*[60]. - The principles governing treatment of Applicants who may also be victims - survivors of trafficking will be considered to ensure that protection is available for both circumstances under existing laws, rules and regulations.

SECTION 61. *Complementary Protection Mechanism.* – Notwithstanding the primacy of the Refugee and Stateless Status Determination Procedure under this Act, a fair, just, and speedy complementary protection mechanism shall be established to ensure the protection of individuals who are not POC and may be in danger of being subjected to torture or other cruel, inhuman, and degrading treatment or punishment in another State pursuant to Section 17 of Republic Act 9745[61], otherwise known as the Anti-Torture Act of 2009 and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The procedure for the complementary protection mechanism shall be guided by the implementing rules and regulations of this Act.

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[58] Reference: Section 6 of EO 163 s. 2022

[59] Reference: Section 7 of EO 163 s. 2022

[60] Reference: Section 7, Rule IX of DOJ Circular No. 24 s. 2022

[61] Reference: Republic Act 9745

SECTION 62. *Transition Period.* – Except for the designated personnel of the RSPPU of the Department of Justice, the functions, duties, and transactions of the RSPPU shall be transferred to the RSPPO within six (6) months from the effectivity of this Act during which the RSPPU shall continue to function in holdover capacities until appointments of RSPPO personnel are issued.

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

SECTION 63. *Congressional Oversight Committee.* – There shall be created a Congressional Oversight Committee on the Protection of Refugees, Asylum Seekers, Stateless Persons, Stateless Applicants and Populations at Risk of Statelessness to monitor and oversee the implementation of the provisions of this Act.

The Committee shall be composed of six (6) members from the Senate and six (6) members from the House of Representatives with the Chairperson of the Committee on Human Rights of the House of Representatives and the Committee on Justice and Human Rights of the Senate as Co-chairpersons. The other members from each Chamber are to be designated by the Senate President and the Speaker of the House of Representatives, respectively. The minority shall be entitled to *pro rata* representation but shall have at least two (2) representatives from each Chamber.

SECTION 64. *Appropriations.* - The amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following the enactment hereof law and every year thereafter.

SECTION 65. *Implementing Rules and Regulations (IRR).* - Within ninety (90) days after the effectivity of this Act, the DOJ in consultation with the Bureau, Department of Social Welfare and Development, DFA, Department of Education, Department of Labor and Employment, Department of Health, Department of Human Settlements and Urban Development, Department of Trade and Industry, Department of the Interior and Local Government, Department of Transportation, PSA, Commission on Higher Education, Technical Education and Skills Development Authority, Civil Aviation Authority of the Philippines, Manila International Airport Authority, National Housing Authority, Bureau of Immigration, Public Attorney's Office, Professional Regulation Commission, Philippine Charity Sweepstakes Office, Philippine Health Insurance Cooperation, Commission on Human Rights together with civil society organizations, non-government organizations, the private sector, the academe, POC, faith-based organizations and relevant people's organizations, and UN agencies shall prepare and issue the Implementing Rules and Regulations (IRR).

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

SECTION 66. *Repealing Clause.* - All laws, decrees, executive orders, rules and regulations which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 67. *Separability Clause.* - If for any reason, any portion or provision of this Act shall be held unconstitutional or invalid, all other parts or provisions not affected shall thereby continue to remain in full force and effect.

SECTION 68. *Effectivity.* - This Act shall take effect fifteen (15) days after its complete publication in at least two (2) national newspapers of general circulation.

Approved.