PRESCRIBING ADDITIONAL RULES AND PROCEDURES IN THE INVESTIGATION, MONITORING AND CONDUCT OF OPERATIONS AGAINST ALIENS BY THE INTELLIGENCE DIVISION

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Whereas, Executive Order No. 292, Book IV Title III, Chapter X, Section (31) mandates the Bureau of Immigration to administer and enforce immigration, citizenship, alien admission and registration laws, including, in particular, the regulation of entry, sojourn and exit of foreign nationals in the country;

Whereas, Letter of Implementation No. 20, s. 1972, Sec. 15.9 mandates the Bureau of Immigration Intelligence Division to:

> a) Detect and report violations of the immigration and registration laws and, in appropriate cases, take necessary action required upon instruction of the Commissioner, including follow-up on the stay of non-immigrants to prevent over staying; and detect and report subversive activities of aliens in the interest of national security;
>
> b) Take steps to safeguard the country from illegal entrants;
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> c) Investigate any case at the instance of the Commissioner and submit the required reports;
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> d) Report on the activities of aliens inimical to national interest with a view to taking appropriate action in accordance with law; and
>
> e) Perform such other functions as may be provided by law.

Whereas, BI has consistently warned against, aliens violating the conditions of their visas, educational institutions admitting foreign students or private entities employing foreign workers without necessary permits and visas;

Whereas, BI has instituted mechanisms, including through social media, for any person or entity to report any act by any alien, that violates the Philippine Immigration Act of 1940 and other related laws, orders and issuances;

Whereas, illegal aliens who failed to comply with the BI Alien Registration Program (ARP) which ceased on 30 September 2015, shall no longer be afforded the benefits and remedies such as no apprehension or deferred administrative action, made available therein;

NOW, THEREFORE, pursuant to the rule-making authority of the Commissioner under Section 3, Commonwealth Act No. 613, otherwise known as the Philippine Immigration Act of 1940, the following rules and procedures shall be observed:

SECTION 1. Records Access and Management. For enhanced security in accessing information and records management, the Management Information Systems Division (MISD), shall design and create a system to be used by the Intelligence Division.

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In the interim, the Alien Registration Division, Legal Division, Management Information Systems Division, Records Section and other BI offices are hereby directed to provide, without undue delay, information or records officially requested by the Intelligence Division.

SECTION 2. Receipt of Reports and Information. All verbal or written reports and information received from any public or private entity and individual, or endorsed by other divisions and offices of the bureau, concerning acts by foreigners that violate immigration, registration and citizenship laws, rules and regulations, shall be appropriately acted upon by the Intelligence Division.

SECTION 3. Issuance of Notices. For purposes of data collection and investigation, the BI Intelligence Division shall deliver notices by registered mail, via the Records Section, to the addresses of educational institutions, organizations, businesses, corporation, partnerships or sole proprietorships, where an alien may be engaged in study, employment or other remunerated activity, to provide an official and notarized list of alien students and/or employees with the following information:

a) Name;
b) Other Names used/Aliases c) Sex;
d) Date of Birth;
e) Citizenship;
f) Passport Number;
g) Visa Information (i.e., visa category, date of issuance);
h) ACR I-Card Number
i) Alien Employment Permit (AEP) Number;
j) Status (e.g., enrolled, employed, terminated);
k) Date of Study/Employment, as applicable;
l) Course of Study/Position in Company, as applicable

The subject institution or entity shall be given a non-extendible period of 7 working days, from date of receipt, to comply with the notice. Proof of delivery or service must be attached to the list. Failure to comply may cause issuance of a Mission Order against the subject institution or entity and initiation of intelligence operations.

SECTION 4. Issuance of Mission Order. The issuance of a Mission Order as provided for in the preceding search shall be in accordance with Rule 5, Immigration Memorandum Circular No. SBM-2015-010 or the “Bureau of Immigration Omnibus Rules of Procedure of 2015”.

No verification, visitation or arrest shall be made without a Mission Order approved and issued by the Commissioner, except in justifiable circumstances.

SECTION 6. Inspection of Immigration Documents. During an authorized operation, the subject alien or any alien within the premises of the subject educational institution business or other employing organization, shall upon demand by an authorized immigration agent/officer, have the duty to present his/her immigration documents in accordance with Section 7, R.A. 562 or the Alien Registration Act of 1950 (i.e., passport with visa implementation or ACR I- Card).

SECTION 7. Apprehension and Detention of Subject Aliens. Apprehension, arrest and detention of a subject foreign national shall be in accordance with Rule 5 and other pertinent sections of Immigration Memorandum Circular No. SBM-2015-010;

However, in cases of over-capacity or congestion in the BI Warden Facility, particularly when a large number of subjects are apprehended and detained, the Chief of the Intelligence Division may:

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a. Request other Law Enforcement Units or Agencies, under any existing Memorandum of Agreement, to take physical custody of arrested aliens in their detention facilities, including while deportation proceedings are in progress;

b. To mitigate any flight risk, the Chief of the Intelligence Division may, in lieu of physical detention, opt to keep the subject alien's passport or travel document. In such case, the authorized Intelligence agent or officer shall inform, through the fastest available means, the embassy or consulate of the apprehended alien. Upon agreement, corresponding receipts will be provided to the subject alien and his/her embassy or consulate office. The embassy or consulate shall be requested not to issue travel documents to the subject alien while the immigration case is in progress.

An Apprehended alien, not physically detained, must personally appear before the BI Intelligence Division when required. Failure to appear on the scheduled date without reasonable cause (i.e., health or medical reason) shall cause issuance of a Warrant of Deportation, subject to existing rules and regulations.

SECTION 8. Inter-Government Agency Coordination. When necessary, the Intelligence Division may coordinate with government agencies or law enforcement units and/or law enforcement agencies prior to actual conduct of operations.

SECTION 9. Caseload Resolution. To expedite resolution of Intelligence Division caseload, including but not limited to those resulting from implementation of Mission Orders, the Commissioners, through the recommendation of the Intelligence Division Chief may designated special prosecutors to dispense duties in accordance with Section 6, Rule 5, Immigration Memorandum Circular No. SBM-2015-010

This Operations Order takes effect immediately.

Furnish the Office of the National Administrative Register (ONAR), U.P. Law
Center, Diliman, Quezon City, a copy of this Order.

(SGD) JAIME H. MORENTE
Commissioner

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