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DELINEATION OF DUTIES AND JURISDICTIONAL FUNCTIONS IN THE BUREAU

BOI MEMORANDUM ORDER NO. RBR 98-002, July 31, 1998

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In accordance with the mandate provided for under the Philippine Immigration Act 1940, as amended (CA No. 613), the Revised Administrative Code of 1987 (E.O. No. 292) and the Department of Justice Letter of Implementation No. 20, the Office of the Commissioner hereby issues the following delineation of duties and jurisdictional functions in the Bureau in order to administer and enforce the laws on immigration, citizenship, alien admission and registration; to implement the directive of the Chief Executive to deliver public service honestly and efficiently and to use public funds in the most cost efficient manner while at the same time generating revenue for the government.

Proceeding then from the premise that the Bureau is comprised of the following organizational structure units, namely: the Office of the Commissioner, the Board of Commissioners and Boards of Special Inquiry pursuant to E.O. 292, the following shall take effect immediately in the interest of the service:

I
The Board of Commissioners (or the “BOC) shall:

A. Exercise exclusive original jurisdiction over all deportation cases;

B. Exercise exclusive original jurisdiction to review motu propio decisions of the Boards of Special Inquiry over exclusion cases;

C. Exercise exclusive appellate jurisdiction over exclusion cases decided by the Boards of Special Inquiry;

D. Approve all applications and/or petitions for:

a. Admission of non-immigrants under Section 9 of CA 613;

b. Admission of immigrants under Section 13 of CA 613;

c. Admission of non-immigrants under Section 47 (a) of CA 613; and

d. Amendment or change of immigration status.

II
THE OFFICE OF THE COMMISSIONER AND ASSOCIATE COMMISSIONERS:

A. Subject to Section 4 (a) of CA 613, as amended, the following matters shall be individually approved by members of the Board of Commissioners:

a. Commissioner of Immigration and Deportation

> i. Assignment of other duties and functions to officers or members of every Board of Special Inquiry in addition to their responsibilities under Section 27 (a) of CA 613, as amended,

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ii. Applications for Quota Immigrant Visa;

iii. Applications for Temporary Resident Visa of restricted nationals and Chinese nationals;

iv. Transactions pertaining to the Alien Social Integration office;

v. Issuance of Mission or Memorandum Order; and

vi. All matters affecting the administration, management and personnel movement in the Bureau.

b. First Associate Commissioner of Immigration and Deportation

i. Applications for Non-Quota Immigrant Visa;

ii. Applications for late registration;

iii. Applications for Permanent Residence Visa under R.A. 7837;

iv. Applications for Special Study Permit;

v. Applications for Indigency;

vi. Applications for Special Retiree's Residence Visa (SRRV);

vii. Cancellation of alien registry with endorsement to the Department of Justice; and

viii) Approval and issuance of all types of certificates including Bureau of Immigration Intelligence Clearance;

c. Second Associate Commissioner of Immigration and Deportation

i. Applications for recognition as Filipino citizen;

ii. Applications for Special Investor's Resident Visa (SIRV);

iii. Applications for Special Non-Immigrant Visa under E.O. 226 and P.D. 1034;

iv. Waiver of exclusion grounds for unaccompanied minors;

v. Approval of waiver of exit clearance for TECO officials; and

vi. Approval of change of status to 9(e)/foreign government official and dependent.

B. Subject to Section 4 (a) of CA 613, the following matters shall be acted upon by both Associate Commissioners of Immigration and Deportation:

a. Approval of all applications for grace periods and visa extensions;

b. Issuance and lifting of Hold Departure Orders, Watchlist and Allow Departure Orders;

c. Approval of all applications for downgrading of visas; and,

d. Approval of all applications for provisional permits to work and special work permits.

C. The Office of the Commissioner and Associate Commissioners shall have direct supervision and control over the Law and Investigation Division which shall have the following functions:

a. Advise the Commissioner and Associate Commissioners on all legal matters affecting the enforcement and administration of CA 613, as amended, and other related laws pertaining to immigration, citizenship, alien admission and registration;

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b. Conduct investigation of applications of aliens seeking entry into the country as immigrants or non-immigrants, claimants of Philippine citizenship, complaints on alleged violations of CA 613 and Alien Registration Act, and petitions of aliens for the lifting of orders for them to leave the country on the grounds of indigency, prosecution of deportation cases as may be directed specifically by the Commissioner or Associate Commissioner;

c. Assist the Board of Commissioners in deportation, admission or exclusion cases as specifically directed by the Commissioner or Associate Commissioners;

d. Represent the Commission of Immigration and Deportation in any court proceedings and in conferences and seminars as may be directed by the Commissioner or Associate Commissioners;

e. Prepare warrants of arrest against aliens for violation of immigration laws as directed by the Commissioner or Associate Commissioners;

f. Confiscate cash bonds and surety bonds for violation of the terms and conditions thereof as directed by the Commissioner or Associate Commissioners;

g. Investigate administrative complaints against any of the employees of the Commission of Immigration and Deportation as directed by the Commissioner of Immigration and Deportation;

h. Perform such other functions as directed by the Commissioner or Associate Commissioners pursuant to law.

III
Every BOARD OF SPECIAL INQUIRY (Or The “BSI”) Shall:

A. Exercise exclusive original jurisdiction over all exclusion cases pursuant to Section 27 (b) of CA 613;

B. Recommend for approval or disapproval by members of the Board of Commissioners the following matters, pursuant to Section 27 (a) of CA 613, as amended:

a. Applications for provisional permits to work and special work permits;

b. Applications for visas under Sections 9 and 13 of CA 613, as amended;

c. Claims to Philippine citizenship specifically referred by the Commissioner of immigration and Deportation; and,

d. Other matters referred by the Commissioner OR by both Associate Commissioner.

All recommendations of every Board of Special Inquiry shall be immediately elevated to the BOC, the Commissioner or the Associate Commissioners, as the case may be, for final action. Every Board of Special Inquiry is directed to dispose of all matters referred to the Board within thirty (30) days from the completion of all documentary requirements and/or termination of proceedings, as the case may be.

Let a copy of this Order be disseminated to all employees for implementation and strict compliance.

Adopted: 31 July 1998

(SGD.) RUFUS B. RODRIGUEZ
Commissioner

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