

POLICIES AND GUIDELINES ON THE EXTENSION AND UPDATING OF TEMPORARY VISITOR'S VISA (TVV)

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Pursuant to Section 3 of Commonwealth Act No. 613 (Philippine Immigration Act of 1940), as amended, and in order to expedite and streamline the processing of extension and updating of temporary visitor's visa (TVV), the following policies and guidelines shall be observed:

Section 1. General Policy - Extensions of stay are a matter of grace which should be strictly interpreted^[1] and it is not a ministerial duty on the part of the Commissioner to extend the stay of a temporary visitor^[2]. Thus, the grant or denial of applications for extension of stay is subject to the Commissioner's exercise of sound discretion based on reciprocity and dictates of public policy and public welfare.

Section 2. Allowable Extensions. - Foreigners admitted under Section 9(a) of the Philippine Immigration Act of 1940, as amended, or Executive Order No. 408, as amended, may extend their authorized stay every two (2) months for a total stay of not more than:

- a) twenty-four (24) months for visa-required nationals; and
- b) thirty-six (36) months for non-visa required nationals.

The said periods shall be counted from the date of applicant's latest recorded arrival.

Section 3. Foreigners with Derogatory Records. - Foreigners included in the Bureau's derogatory list shall be allowed to extend/update their authorized stay as temporary visitors; Provided that, their inclusion in the derogatory list is not on the ground of having overstayed in the country.

Section. 4. Restrictions on Extension/Updating. - The following applications for extension/updating, accompanied by a sworn written explanation stating valid grounds and/or justifications with supporting documents, shall require the approval of the Commissioner:

- a) Extensions of stay beyond the maximum allowable stay prescribed in Section 2 hereof; and
- b) Foreigners who have overstayed for more than six (6) months but not exceeding twelve (12) months regardless if their stay is within the maximum allowable period.

Section 5. Acquisition of Appropriate Visa/Permit. - Foreigners may be granted an extension beyond the maximum allowable period provided that they shall secure appropriate visas/ permits during such extension and have not overstayed in any given period.

Section 6. Overstaying Foreigners. - Foreigners who have overstayed for twelve (12) months or less but have been in the country beyond the maximum allowable period already may be permitted to update their stay with order to leave the country within fifteen (15) calendar days therefrom and their names may be included in the Bureau's blacklist upon the discretion of the Commissioner; Provided that, the Commissioner, in the exercise of sound judgment, may allow such foreigners to update and extend their stay taking into consideration their Filipino lineage, medical condition, minority and other analogous circumstances.

Foreigners who have overstayed for more than twelve (12) months regardless if their stay is within the maximum allowable period or those found to be overstaying by virtue to a complaint or Mission Order regardless of the period shall be referred for deportation.

Section 7. Payment of Immigration Arrears. - In addition to the extension/ updating fees and other charges, the concerned foreigners shall be required to pay all immigration arrears imposed by Republic Act No. 562, as amended.

Section 8. Repealing Clause. - All previous issuances inconsistent herewith are hereby repealed and/ or modified accordingly.

Section 9. Effectivity. - This Circular shall take effect immediately upon approval.

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

(SGD) SIEGFRED B. MISON
Officer-in-Charge

Approved:

(SGD) LEILA M. DE LIMA
Secretary of Justice

[1] *Vivo v. Arca*, 9 SCRA 878.

[2] *Guam v. Commissioner of Immigration*, 15 SCRA 451.!

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