GRANTING VISA UPON ARRIVAL (VUA) TO VISA-REQUIRED NATIONALS WHO ARE TOURISTS-PASSENGERS ON BOARD CRUISE SHIPS/VESSELS CALLING ON PHILIPPINE PORTS AND PRESCRIBING THE RULES AND P...

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WHEREAS, the Bureau of Immigration (BI) is principally responsible for the administration and enforcement of immigration, citizenship and alien admissions and registration laws in accordance with the provisions of Commonwealth Act No. 613, as amended, otherwise known as the "Philippine Immigration Act of 1940";

WHEREAS, cruise tourism is one of the major product portfolios under the National Tourism Development of Philippines (NTDP) of the Department of Tourism (DOT) that will contribute to achieving 10 million tourist arrivals by 2016;

WHEREAS, the BI fully supports any initiative that add to the growing interest of international cruise liners to call on the Philippine ports, especially those in key tourism destinations;

WHEREAS, the grant of Visa Upon Arrival (VUA) to visa-required foreign nationals who are tourists-passengers on board cruise ships/vessels calling on Philippine ports will definitely make it easier, more convenient and less costly for them to travel to the Philippines thereby resulting to an increase in inbound tourism receipts;

WHEREFORE, pursuant to the rule-making power of the Commissioner of Immigration under Section 3 of Commonwealth Act No. 613, as amended, the following rules and procedures are prescribed:

Section 1. Scope and Coverage. – This Circular covers and governs the grant of Section 9(a) Visa Upon Arrival (VUA) to visa-required nationals who are arriving into the Philippines as tourist-passengers on board cruise ships/vessels handled by accredited Philippine tour operators or licensed local shipping agents.

Section 2. Eligibility. – Visa-required foreign nationals coming into the country as temporary visitors may be granted a Section 9(a) Visa Upon Arrival and admitted in any Philippine seaport for an authorize stay of fourteen (14) days provided that:

a)

They are tourist-passengers on board cruise ship/vessel handled by a DOT- accredited Philippine tour operator or Philippine-licensed local shipping agent;

b)

They are holders of a national passport/travel document valid at least six (6) months beyond the contemplated stay;

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c)

They have confirmed return or onward ticket to their next country of destination;

d)

They are not in the BI Blacklist or are not excludable under Section 29 of Commonwealth Act No. 613, as amended;

e)

They shall pay the following prescribed fees upon the filing of the letter-request or to the BI authorized collecting officer at the seaport of entry upon arrival:

Particulars

Nature

Sponsored by DOT- Accredited Philippine Tour Operator

Sponsored by Philippine-Licensed Shipping

Individual Travelers VUA Fee

U.S.$25.00

U.S.$100.00

Legal Research Fee

Php10.00

Php10.00

Express Lane Fee

Php500.00

Php500.00

Tour Group of 3 to 19 members VUA Fee

U.S.$25.00

U.S.$100.00

Legal Research Fee

Php10.00

Php10.00

Express Lane Fee

Php500.00

Php500.00

Tour Group of 20 and more members VUA Fee

U.S.$15.00

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U.S.$100.00

Legal Research Fee

Php10.00

Php10.00

Express Lane Fee

Php500.00

Php500.00

Section 3. Procedures. –

- Two (2) working days before the scheduled departure of the cruise ship/vessel from its last foreign seaport of origin before entering the Philippines, the DOT-accredited Philippine tour operator or Philippine licensed local shipping agent shall submit to the Office of the Commissioner, Bureau of Immigration (BI), the application letter sponsoring and requesting the issuance of Section 9(a) VUA to visa- required tourists-passengers on board a cruise ship/vessel arriving into the Philippines containing their full name, date of birth, nationality, photocopies of valid passport biographical page and confirmed return or onward ticket, and voyage details, as well as the Affidavit of Undertaking. The Affidavit of Undertaking is a sworn statement executed by the President or General Manager of the DOT-accredited Philippine tour operator or Philippine-licensed local shipping agent stating that it shall assume all liabilities for administrative fines and such other sanctions as may be imposed by the BI for violation of any immigration law, rule and regulation, including costs for the repatriation of any tourist- passenger issued a Section 9(a) VUA under this Circular who fails to leave the country as indicated in the confirmed return or onward ticket or within the 14-day authorized stay.

- The BI shall forthwith process and evaluate the application letter and issue an Order therefor, if appropriate, signed by the BI Commissioner or his duly authorized representative containing the name and personal details of the tourists-passengers granted with Section 9(a) VUA and their voyage details. Such Order must be transmitted and received by the: (i) DOT-accredited Philippine tour operator or Philippine-licensed local shipping agent; (ii) Immigration Officers assigned to conduct advance boarding formalities on the cruise ship/vessel; and (iii) BI Sub-port Office nearest to the seaport of entry, at least four (4) hours prior to the scheduled departure of the cruise ship/vessel from the last foreign seaport of origin.

- During advance boarding formalities, such tour operator or shipping agent or their respective duly authorized representative on board the cruise ship/vessel shall present a copy of the Order to the Immigration Officers.

- Prescribed fees not yet paid upon the filing of the application letter shall be paid by the tour operator or shipping agent to the BI authorized collecting officer at the seaport of entry upon the cruise ship/vessel’s arrival.

Section 4. Prohibitions and Limitations. –

- No Philippine tour operator or local shipping agent shall be allowed to sponsor any visa-required foreign national for issuance of a VUA under this Circular unless such tour operator or shipping agent is DOT-accredited or Philippine-licensed, respectively.

- Section 9(a) VUAs issued pursuant to this Circular are not eligible for extension or conversion to other immigration status.

- Except in cases of force majeure or medical emergency, all tourists- passengers issued a Section 9(a) VUA must

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arrive to and depart from the Philippines on board the cruise ship/vessel based on the voyage details specified in the Order. However, they may be allowed to change their date of departure or port of exit provided that: (i) a written request, together with new Affidavit of Undertaking, stating the new departure date or port of exit and the reason/s therfor are filed by the DOT-accredited Philippine tour operators or Philippine-licensed local shipping agent and approved by BI prior to the date of the original scheduled departure; and (ii) the rescheduled date of departure is within 14-day authorized stay.

Section 5. Sanctions. - The BI may:

- Cause the exclusion or deportation of any section 9(a) VUA-issued tourist-passenger who fails to comply with entry requirements or the terms and conditions of their stay in the Philippines without prejudice to the imposition of other applicable penalties under applicable Philippine laws, rules and regulations;

- Recommend to the appropriate authorities the imposition of sanctions against the DOT-accredited Philippine tour operator or Philippine-licensed local shipping agent who commit any violation of immigration laws, rules and regulations or any provision of this Circular; and

- In accordance with existing laws, rules and regulations, impose administrative penalties against the DOT-accredited Philippine tour operator or Philippine-licensed local shipping agent who fail or refuse to comply with the terms and conditions of their Affidavit of Undertaking.

Section 6. Reportorial Requirements. –

- Within twenty-four (24) hours thereof, the tour operator or local shipping agent shall render a report to the Department of Foreign Affairs (DFA), Department of Tourism (DOT) and Bureau of Immigration (BI) should any Section 9(a) VUA-issued tourist-passenger disappear or be absent from the tour's itinerary or otherwise fail to leave the Philippines within the scheduled departure.

- The BI shall inform the DFA and DOT of any exclusion or deportation of any Section 9(a) VUA-issued tourist-passenger on board a cruise ship/vessel within twenty-four (24) hours thereof.

- The BI shall submit a monthly report to the DFA and DOT of all the Section 9(a) VUA issued pursuant to this Circular.

Section 8. Repealing Clause. – All circulars, memoranda, orders and other issuances inconsistent herewith are hereby repealed and/or modified accordingly.

Section 9. Effectivity. – This Memorandum Circular shall take effect immediately upon the signing hereof.

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

13 October 2014

(SGD) SIEGFRED B. MISON
Commissioner

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