

## **PRESCRIBED PERIODS FOR LIFTING OF ENTRIES FROM THE BLACKLIST**

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Adopted: 04 February 2014

Date Filed: 24 September 2014

WHEREAS, the gravity of immigration violations committed that resulted to a foreign national's inclusion in the Blacklist are varied yet treated similarly in lifting thereof;

NOW THEREFORE, in order to distinguish the gravity of violation and to guide the Bureau in its exercise of discretion anchored on public interest and general welfare in lifting of entries included in the Blacklist, the following time frames corresponding to the immigration violation are required to lapse prior to giving due course to the motions to lift entries included in the Blacklist:

A. Three (3) months from date of actual implementation of the exclusion order

Foreign nationals who were excluded under the following grounds:

- Public charge[1];
- Incompetent[2] and companions thereof[3];
- Member of a family accompanying an excluded alien[4];
- Children below 15 years old unaccompanied by parents[5];
- Stowaways[6]; or
- Improperly documented[7].

B. Six (6) months from date of actual implementation of the deportation order or inclusion in the Blacklist

Foreign nationals who were included in the Blacklist under the following grounds:

1. Deported by virtue of a Voluntary Deportation Order.
2. Overstaying for less than one year.

C. Six (6) months after being cured of the condition or illness that caused the exclusions[8]

Foreign nationals who were excluded under the following grounds:

- Insane[9]; or
- Afflicted with loathsome or dangerous and contagious disease[10].

D. Twelve (12) months from date of actual exclusion or implementation of deportation order

Foreign nationals who were excluded/deported under the following grounds:

- Prostitutes or procurers or persons who came for any immoral purpose[11];
- Persons who practice polygamy or who believe in or advocate the practice of polygamy[12];
- Paupers, vagrants and beggars[13];
- Unskilled manual laborers[14];
- Indigents[15];
- Those who entered the country through misrepresentation[16];
- Those who entered the country without inspection and admission[17];
- Those who are drunk and disorderly at the port of entry;
- Those who refuse to comply with inspection procedures;
- Those who display unruly behavior or discourtesy to immigration officials;
- Illegal entrants[18]
- In violation of the conditions or limitations of stay[19]
- Overstaying for more than one year;
- Cancelled visa[20];
- Undocumented; or
- Improperly documented.

E. Five (5) years from date of actual implementation of deportation order

Foreign nationals who were deported under the following grounds:

- Engaging in profiteering, hoarding, or black-marketing[21];
- Defrauding of creditors[22]; or
- Undesirability[23].

F. Ten (10) years from date of actual exclusion or implementation of deportation order

Foreign nationals who were excluded/deported under the following grounds:

- Conviction for a crime involving moral turpitude[24];
- Conviction for a crime under Sections 45 and 46 of the PIA, Alien Registration Act[25] or the Naturalization Law[26];

G. Not qualified for lifting

Foreign nationals who were excluded/deported under the following grounds shall not be qualified for lifting of entries from the Blacklist unless otherwise ordered by the Secretary of Justice:

- Involvement in subversive activities[27];
- Conviction for a crime involving prohibited drugs[28]; and

- Registered sex offenders.

#### H. Various grounds included in one Blacklist entry

The longest period shall be observed for lifting of Blacklist entries based on more than one ground with different prescribed period for lifting as listed in this Order.

Foreign nationals who were deported on the ground of being a fugitive from justice shall be required to observe the time frame<sup>[29]</sup> prescribed in the preceding paragraphs corresponding to the crime (or otherwise analogous to the crime) to which he was charged, which shall not be less than twelve months.

#### I. Waivers

The Commissioner may waive the periods prescribed herein for humanitarian<sup>[30]</sup>, economic<sup>[31]</sup>, political<sup>[32]</sup> or other special considerations.

For cases of Blacklisting for some other ground than those specified herein, the Commissioner shall exercise his discretion in determining the relevant period to which the request for lifting of entries from the Blacklist may be given due course.

#### J. Filing of Requests for Lifting of Entries from the Blacklist

All requests for lifting of entries from the Blacklist shall be addressed to the Commissioner and filed at the Main Office, stating therein the nature of the request with attached duly authenticated/certified true copies of documents to prove that the ground for inclusion in the Blacklist no longer exists.

Requests filed within the periods prescribed herein do not however guarantee its approval. Conversely, filing of requests outside the prescribed periods may automatically cause its disapproval unless the said request is meritorious as to constitute a waiver of the periods herein prescribed.

#### K. Repealing clause and effectivity

- All previous issuances inconsistent herewith are hereby deemed repealed.

- This Operations Order shall take effect fifteen (15) days from publication hereof.

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

04 February 2014.

(SGD) SIEGFRED B. MISON  
Commissioner

Approved:

(SGD) LEILA M. DE LIMA  
Secretary, Department of Justice

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[1] Philippine Immigration Act (PIA), Sec. 29(a)(5).

[2] PIA, Sec. 29(a)(9).

[3] PIA, Sec. 29(a)(11).

[4] PIA, Sec. 29(a)(10).

[5] PIA, Sec. 29(a)(12).

[6] PIA, Sec. 29(a)(13).

[7] PIA, Sec. 29(a)(17).

[8] Upon presentation of a duly authenticated certification from a government medical institution of the country of origin.

[9] PIA, Sec. 29(a)(1).

[10] PIA, Sec. 29(a)(2).

[11] PIA, Sec. 29(a)(4) and Sec. 37(a)(5).

[12] PIA, Sec. 29(a)(7).

[13] PIA, Sec. 29(a)(6).

[14] PIA, Sec. 29(a)(14).

[15] PIA, Sec. 29(a)(16); includes foreign nationals who were ordered to leave on the ground of indigency.

[16] PIA, Sec. 37(a)(1).

[17] Ibid.

[18] PIA, Sec. 37(a)(2).

[19] PIA, Sec. 37(a)(7).

[20] PIA, Sec. 23 in relation to Sec. 45 or 46.

[21] PIA, Sec. 37(a)(11).

[22] PIA, Sec. 37(a)(13).

[23] In relation to PIA, Secs. 2 and 3.

[24] PIA, Secs. 29(a)(3) and 37(a)(3).

[25] PIA, Sec. 37(a)(10).

[26] PIA, Sec. 37(a)(12).

[27] PIA, Secs. 29(a)(8) and 37(a)(8).

[28] PIA, Sec. 37(a)(4).

[29] The time frame shall begin to accrue from the date the foreign national was cleared of the charges.

[30] The fact of the foreign national's marriage to a Filipino with whom the former has a child; health and age of the foreign national.

[31] The foreign national's significant contribution in the business or employment sector.

[32] The foreign national possesses special skills or trade that is in great demand in the Philippines.

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