

DEPORTATION OF FUGITIVES

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Adopted: 03 February 2015

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WHEREAS, foreign embassies have been requesting the Bureau of Immigration (BI) to deport foreign fugitives;

WHEREAS, there are foreign nationals declared as fugitives by their respective embassies but whose passports/travel documents remain valid and uncanceled;

WHEREAS, there is a need to define the term foreign fugitives in relation to violations of immigration law;

NOW THEREFORE, pursuant to the Commissioner's rule-making authority under Commonwealth Act No. 613, Section 3, the following shall be observed:

Section 1. Definition - Foreign Fugitive[1] from justice shall refer to a foreigner who:

(1)

Flees after conviction to avoid punishment[2];

(2)

Flees after being charged to avoid prosecution[3];

(3)

After commission of a crime, flees from the jurisdiction of the court where the crime was committed[4]; and

(4)

Declared as a Fugitive from Justice by an authorized representative of the embassy.

Section 2. Cancellation of the Foreign Passport - Within forty eight (48) hours from receipt of the embassy's request for deportation of a foreign fugitive and there is no written declaration that the fugitive's passport has been cancelled/revoked, the Legal Division shall require such written declaration from the embassy within five (5) working days from receipt of such request.

Section 3. Referral to BSI for Fugitive with Valid Passports - In case the passport of such fugitive remain uncanceled, the Legal Division shall charge the fugitive as undesirable under Act 2711, Sec. 69 and refer the matter to the Board of Special Inquiry.

Section 4. Summary Deportation for Fugitives with Cancelled Passport - In case the passport of the fugitive is cancelled, the Rules on Summary Deportation shall apply. The fugitive shall be charged for being an undocumented alien under CA 613, Sec. 37(a)(7).

Section 5. Repealing Clause. - All rules, procedures, guidelines and previous issuances inconsistent herewith are hereby repealed and/or modified accordingly.

Section 6. This Operation Order shall take effect immediately upon approval.

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

03 February 2015

(SGD) SIEGFRED B. MISON
Commissioner

[1] Rodriguez v COMELEC, GR No. 120099, 24 July 1996.

[2] The BI will require the embassy to attach a copy of the decision convicting the foreign fugitive.

[3] The BI will require the embassy to attach a copy of the criminal information or charges.

[4] The BI will require the embassy to attach a copy of the warrant of arrest.

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