

WAIVING PASSPORT REQUIREMENTS FOR IMMIGRANTS UNDER CERTAIN CONDITIONS.

EXECUTIVE ORDER NO. 324, April 13, 1988

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WHEREAS, Section 47 a(3) of Commonwealth Act No. 613, as amended, otherwise known as the Philippine Immigration Act of 1940, provides that “Notwithstanding the provisions of this Act, the President is authorized: (a) When the public interest so warrants x x x (3) To waive the passports requirement for immigrants, under such conditions as he may prescribed;” and

WHEREAS, it is nor timely to waive passport requirements for immigrants under certain conditions;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

1. An alien may apply with the Commissioner of Immigration and Deportation for waiver of passport requirements during the 12-month period beginning on a date as designated by the Commissioner of Immigration and Deportation, which shall not be later than 180 days after the effectivity of this Executive Order.
2. The alien must establish that he entered the Philippines before January 1, 1984, and that he has resided continuously in the Philippines in an unlawful status from such date to the filing of his application.
3. In the case of an alien who entered the Philippines as a non-immigrant before January 1, 1984, the alien must establish that his period of authorized stay as non-immigrant expired before such date through the passage of time or that the alien’s unlawful status was known to the government as of such date.
4. The alien must establish that he has been continuously physically present in the Philippines since the date of the effectivity of this Executive Order; provided that an alien shall not be considered to have failed to maintain continuous physical presence in the Philippines by virtue of brief, casual and innocent absences from the Philippines.
5. Nothing in this Executive Order shall be construed as authorizing an alien to apply for admission to, or to be admitted to, the Philippines in order to apply for adjustment of status under this Executive Order.
6. The alien must establish that (a) he is admissible to the Philippines as an immigrant, except as otherwise provided under Paragraphs 11 and 12; (b) he has not been convicted of any crime or of three or more violations of local ordinances committed in the Philippines; and (c) he has not assisted in the persecution of a person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion.
7. The alien must demonstrate that he either (a) possesses minimal understanding of ordinary English or Filipino and a knowledge and understanding of the history and government of the Philippines; or (b) is satisfactorily pursuing a course of study recognized by the Commissioner of Immigration and Deportation to achieve such an understanding of the history and government of the Philippines; provided that the Commissioner of Immigration and Deportation may, in her discretion, waive all or part of the requirements of clause (a) in the case of an alien who is 65 years of age or older.

8. Neither the Commissioner of Immigration and Deportation nor any other official or employee of the Department of Justice or bureau or agency thereof may (a) use the information furnished pursuant to an application filed under this Executive Order for any purpose other than to make a determination on the application or for enforcement of penalties for false statements in applications; or (b) make any publication whereby the information furnished by any particular individual can be identified; or (c) permit anyone other than the sworn officers and employees of the Commissioner of Immigration and Deportation to examine individual applications.

9. The Commissioner of Immigration and Deportation shall charge a fee of P50,000, plus an overtime fee of P1,000, for the filing of applications; provided that the Commissioner of Immigration and Deportation may, in her discretion, charge a lower fee for the spouse and minor children below 21 years old of the applicant.

10. The Commissioner of Immigration and Deportation shall deposit payments received under Paragraph 9 in a separate account, and amounts in such account shall be available, without fiscal year limitation, to cover administrative and other expenses incurred in connection with the review of applications filed under this Executive Order.

11. Except as provided in Paragraph 12, herein, the Commissioner of Immigration and Deportation may waive exclusion grounds under the Immigration Act in the case of individual aliens for humanitarian purposes to assure family unity or for the public interest.

12. The following grounds for exclusion may not be waived by the Commissioner of Immigration and Deportation, namely, (a) those relating to criminals; (b) those relating to aliens likely to become public charges; (c) those relating to drug offenses, except for so much of those provisions as relates to a single offense of simple possession of marijuana; and (d) those relating to national security and members of subversive organization.

13. The alien shall be required, at his expense, to undergo such a medical examination, including a determination immunization status, as is appropriate and in conformity with generally accepted professional standards of medical practice.

14. The Commissioner of Immigration and Deportation shall provide that, in the case of an alien who presents prima facie application during the application period and until a final determination of the application has been made in accordance with this Executive Order, the alien may not be deported.

15. The Commissioner of Immigrations and Deportation shall establish a review mechanism to provide for a single level of administrative review of a determination made under this Executive Order.

16. The Commissioner of Immigration and Deportation is hereby authorized to issue rules and regulations necessary to implement this Executive Order.

17. All orders, rules and regulations in conflict or inconsistent with the provisions of this Executive Order are hereby modified or repealed accordingly.

This Executive Order shall take effect immediately.

DONE in the City of Manila, this 13th day of April, in the year of Our Lord, nineteen hundred and eighty-eight.

CORAZON C. AQUINO

President of the Philippines

By the President:

CATALINO MACARAIG, JR.

Executive Secretary

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