PROCEDURES AND GUIDELINES IN THE IMPLEMENTATION OF EXCLUSION ORDERS AT INTERNATIONAL PORTS OF ENTRY

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Adopted: 13 July 2015
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WHEREAS, an excludable foreign national who fails to prove his admissibility under immigration laws, rules and regulations shall be denied entry into the Philippines (Section 29 and 30, Commonwealth Act No. 613, as amended);

WHEREAS, the Commissioner may, in the exercise of sound discretion and for good cause, permit the entry of an excludable foreign national properly documented but who is: (a) a lawful resident in the Philippines returning from a temporary visit abroad; or (b) applying for temporary admission (Section 29 (b) 2, ibid.);

WHEREAS, an excluded foreign national must be returned to his port of origin or to his country of nationality onboard the same vessel bringing him into the Philippines, another vessel owned by the same interest, or a different vessel (Section 36, ibid.);

WHEREAS, the vessel owner bears the expense of returning an excluded foreign national to his port of origin or to his country of nationality (ibid.);

NOW, THEREFORE, pursuant to the rule-making power of the Commissioner under Section 3 of Commonwealth Act No. 613, as amended, the following are hereby ordered:

Section 1. Authority to Exclude. – A foreign national found to be excludable by the Immigration Officer during primary inspection or by the Travel Control and Enforcement Unit (TCEU) Officer or On-duty Immigration Supervisor during secondary inspection shall be excluded pursuant to existing immigration laws, rules and procedures.

The excluded foreign national shall be boarded in the next available flight or voyage unless otherwise directed by the Commissioner or his duly authorized representative. Any directive, instruction, or order from any person not authorized by the Commissioner shall be disregarded and immediately reported to the Commissioner.

Section 2. Contents of the Exclusion Order. – The Exclusion Order[1] must clearly state the:

- Personal details (i.e. full name, alias, date of birth, nationality, passport number, personal identification number) of the excluded foreign national as appearing in his passport or travel document;

- Date of exclusion;

- Flight/Voyage Number and Name of Vessel;

- Port of entry where the exclusion case occurred;

- Legal basis or ground/s of the exclusion;

- Material and relevant facts of the exclusion case; Provided, that classified information received from foreign

embassies, local or international law enforcement agencies and other government offices shall not be disclosed or divulged to any person, including the excluded foreign national.

Section 3. Duties of the Duty Immigration Supervisor. – The Duty Immigration Supervisor shall have the following duties:

- Upon his/her decision to exclude the foreign national or by the Immigration Officer or TCEU Officer, cause the preparation of the Exclusion Order;

- Immediately serve a copy of the Exclusion Order to the excluded foreign national and to the vessel owner, agent or duly authorized representative; and

- Simultaneously turn-over the custody of the excluded foreign national to the vessel owner, agent or his duly authorized representative and ensure the full accomplishment of the Receipt of Custody portion of the Exclusion Order.

Section 4. Duties of the BMSU. – The BMSU shall:

- Guard the excluded foreign national while in the custody of the vessel owner, agent or his duly authorized representative and ensure that said excluded foreign national shall not leave the port exclusion room/area/premises until his/her actual boarding in the next available flight;

- Ensure physical boarding of the excluded foreign national and sign the Confirmation of Boarding portion of the Exclusion Order together with the vessel owner, agent or duly authorized representative; and

- Transmit the Exclusion Order, with the duly accomplished Conformation of Boarding to the Terminal Head Supervisor within one (1) hour after actual departure of the excluded passenger.

Section 5. Duty of the Terminal Head Supervisor. – The Terminal Head Supervisor shall:

- Cause the inclusion of the name and personal circumstances of the excluded foreign national as well as other pertinent details of the exclusion case within one (1) hour from receipt of the duly accomplished Exclusion Order from the BMSU in the Record Management Facility (RMF) being maintained by the Port Operations Division (POD); and

- Immediately after the inclusion of the excluded foreign national in the RMF, transmit copies of the Exclusion Order, through facsimile or other fastest means available, to the Office of the Commissioner and BI National Operations Center (BINOC) for appropriate action.

Section 6. Weekly Report of Exclusion Cases. – The Chief, Port Operations Division (POD) shall submit to the Office of the Commissioner, copy furnished the Head, Counter Intelligence Unit (CIU), a weekly consolidated report of exclusion cases from all international ports of entry, particularly including recalled exclusions and date of actual boarding of excluded foreign nationals.

Section 7. Repealing Clause. – All circulars, memoranda, orders and other issuances inconsistent with this Order are hereby repealed, amended or modified accordingly.

Section 8. Effectively Clause. – This Order takes effect immediately upon signing hereof.

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

City of Manila, Philippines.
13 July 2015

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(SGD) SIEGFRED B. MISON
Commissioner

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[1] AOS Form 01, S. 2015 “Exclusion Order”, Annex A hereof.

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