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MEDICAL CLEARANCE FOR ARRESTED FOREIGNERS PRIOR TO COMMITMENT TO BI HOLDING FACILITIES

BI Operations Order No. SBM-2015-001, January 29, 2015

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Adopted: 29 January 2015
Date Filed: 02 February 2015
WHEREAS, Republic Act No. 9745, otherwise known as the "Anti-Torture Act of 2009" and its Implementing Rules and Regulations (IRR) mandate the Right to Physical Examination of every person arrested, detained, or under custodial investigation immediately before and after any transfer of the person to places of detention;

WHEREAS, the Bureau of Immigration (BI) recognizes the necessity of securing medical clearance for arrested/intercepted foreigner prior to commitment to any BI holding facility, i.e., BI Warden Facility (BIWF) or other BI Holding Facilities in sub-ports;

NOW THEREFORE, pursuant to the rule-making authority of the Immigration Commissioner under C.A. 613, Sec. 3, the following shall be observed:

Section 1. Duties of CSU Prior to Commitment to BI Holding Facilities. - Prior to commitment to any BI holding facility, the CSU shall bring the arrested/ intercepted foreigner to BI-Medical Section for mandatory medical examination.

Section 2. Duties of Medical Section Chief. - The Medical Section Chief shall:

(i)

Conduct medical examination of the arrested/intercepted foreigner; and

(ii)

Issue a medical clearance for the arrested/intercepted foreigner, upon determination of his fitness for commitment; or

(iii)

Submit to the Legal Division Chief within 24 hours the diagnosis and recommendations, upon determination of the arrested/ intercepted foreigner's unfitness for commitment.

Section 3. Hospital Confinement. - Upon findings of Medical Section Chief of the arrested/intercepted foreigner's life-threatening condition, the Legal Division Chief shall recommend to the Commissioner the hospital confinement of the foreigner.

Section 4. Contents of Medical Clearance. - The medical clearances must contain the following information:

(i)

Personal information of the arrested/ intercepted foreigner;

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(ii)

Certification stating, among others, that "Name of alien is fit for commitment, or not fit for commitment";

(iii)

Relevant annexes; and

(iv)

BI Medical Section Chief's signature, license number and date.

Section 5. Immediate Delivery to BI Holding Facilities. - In case of non- office hours, Saturday, Sundays, or non-working holidays, the arresting officers shall, without delay, deliver the arrested/intercepted alien to any BI holding facility. The Medical section Chief shall proceed to the BIWF within 24 hours from delivery to: (i) conduct mandatory medical examination under Section 2; and (ii) issue medical clearance under Sections 2 and 4.

Section 6. Duties of the Warden, BIWF, in case of Medical Section Chief's Non-Availability. - In case of non-availability[1] of the Medical Section Chief to conduct the medical examination, the Warden, BIWF shall secure the services of a duly-licensed doctor in a nearest government health facility to perform the duties of the Medical Section Chief under Sections 2 and 4.

Section 7. Duties of the Alien Control Officer (ACO). - Prior to commitment to any BI holding facility in sub-ports, the ACO shall secure the services of the duly-licensed doctor in a nearest government health facility to perform the duties of the Medical Section Chief under Sections s 2 and 4.

Under Circumstances present under Section 5, the ACO shall have 24 hours to comply with his duties.

Section 8. Operational Expenses. - All operational expenses incurred shall be chargeable against the appropriation provided for the BI.

Section 9. Effectivity. - This Operation Order shall take effect fifteen (15) days from receipt of the Office of the National Administrative Register (ONAR), U.P. Law Center, U.P. Diliman, Quezon City.

29 January 2015

(SGD) SIEGFRED B. MISON
Commissioner

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[1] This includes cases when the Medical Section Chief is on vacation, sick, official leave or AWOL.

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