

FOREIGNERS WITH EXPIRED ENTRY VISAS, TVVS AND EXTENSION STAMPS WHICH ARE FOUND TO BE FRAUDULENT

BOI Operations Order No. SBM-2015-013, May 20, 2015

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Adopted: 20 May 2015

Date Filed: 28 May 2015

WHEREAS, the Bureau of Immigration (BI) has observed foreign passport with previously issued and/or expired entry visas, Temporary Visitors Visas (TVVs) or TVV extensions which are found to be fraudulent or counterfeit;

WHEREAS, foreigners with such visas are now holders of valid immigrant, special non-immigrant or non-immigrant visas;

WHEREAS, these foreigners have entered and departed the Philippines numerous times using such valid immigrant, special nonimmigrant or non-immigrant visas;

WHEREAS, there is a need to balance the interest of the State in punishing foreigners with such visas^[1] with the principle that “Every entry is a new entry”;

WHEREAS, the law and jurisprudence consistently held that the grant to the foreign of the privilege of staying in the Philippines is discretionary on the part of the State;

WHEREAS, in case of immigration violations, the law and jurisprudence grants the BI the authority to impose penalties to address the violations;

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

Section 1. Payment of Fines and Penalties – A. (i) Foreigners with previously issued and/or expired CA 613, Sec. 9(a) entry visas which are found to be fraudulent but (ii) have subsequently converted to other valid immigrant, special non-immigrant or non-immigrant visas and (iii) have subsequently departed from the Philippines with such valid visas shall pay the following the following fines and penalties:

(a)

Immigration Arrears Release Certificate [IARC] amounting to Fifty Thousand Pesos (P50,000); and

(b)

Express Lane Fee of P10,000

B. (i) Foreigners with previously issued and/or expired TVVs or TVV extensions which are found to be fraudulent but (ii) have subsequently converted to other valid immigrant, special non-immigrant or non-immigrant visas and (iii) have subsequently departed from the Philippines with such valid visas shall pay the following fines and penalties:

(a)

IARC amounting to Fifty Thousand Pesos (P50,000);

(b)

Updating fees and penalties corresponding to the fraudulent TVVs or TVV extension stamps; and

(c)

Express Lane Fee of P10,000.

Section 2. Duties of the POD, TVS, IRD, ID, ACO and other BI offices – Upon discovery of the expired fraudulent visa, the Port Operations Divisions (POD), Tourist Visa Section (TVS), Immigration Regulation Division (IRD), Intelligence Division (ID), Alien Control Officer (ACO) and other BI offices shall hold the subject passport with issuance of proper Acknowledgement Receipt.

In case the POD discovers the expired fraudulent visas upon re-entry of the subject foreigners, the POD shall admit the subject foreigners by virtue of their subsequent valid visas but shall hold their passport with receipts. (See template of Acknowledgement Receipt with instruction [Annex “A”].)

Within forty eight (48) hours from holding the passport, the aforementioned concerned BI Offices shall forward the passports together with an appropriate Incident Report to the Legal Division (LD).

Section 3. Duties of the Anti-Fraud Section – Within forty eight (48) hours from the receipt of the request for analysis of the suspected expired visa from the LD, the Anti-Fraud Section (AFS) shall issue a certificate categorically stating that the suspected expired visa is (i) genuine; (ii) fake; (iii) altered; (iv) counterfeit; (v) fraudulent; or (vi) the AFS could not make any such determination.

The AFS shall follow its certificate to the Legal Division and shall furnish a copy to the requesting BI office (if the LD did not make the request).

Section 4. Duties of the Legal Division – Within forty eight (48) hours from receipt of the: (i) confiscated passport; (ii) the Incident Report about the expired fraudulent visa; and (iii) the AFS certificate[2], the LD shall draft the Order for the Commissioner’s signature, directing the payment of fines imposed under Section (1). (See template of Order [Annex “B”].)

The subject foreigner shall have fifteen (15) working days to pay the fines imposed.

The Legal Division shall indorse a copy of the records involving the use of expired fraudulent TVVs/TVV extension stamps/border stamps to the Chairman, Board of Discipline, to initiate administrative investigation against erring BI personnel involved in the Incident.

Section 5. Failure to Comply with the Order to Pay Fine – In case of failure to comply with the Order, the LD shall draft an Order for the Board of Commissioner’s (BOC) signature directing the following: (i) visa forfeiture of the subsequent valid visa; (ii) leave the Philippines within 15 days from receipt of the BOC Order; and (iii) inclusion of the subject foreigner’s name in the Blacklist, if applicable.

Section 6. Repealing Clause – All rules, procedures, guidelines and previous issuances inconsistent herewith are hereby repealed and/or modified accordingly.

Section 7. Effectivity – This Operations 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.

20 May 2015

(SGD) SIEGFRED B. MISON
Commissioner

[1] Entry visas, TVV or TVVs extensions.

[2] If the AFS certificate states that the suspected expired visa is fake, counterfeit, altered or fraudulent. If the AFS certificate states that the suspected expired visa is genuine, the LD shall draft an Order for the Commissioner's signature, directing the return of the passport to the subject foreigner or to his authorized representative.

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