NATIONAL ADMINISTRATIVE REGISTER · [BOI MEMORANDUM CIRCULAR NO. MCL-09-002, FEBRUARY 18, 2009] · OCTOBER 2, 2008

GUIDELINES AND PROCEDURES IN THE ACCREDITATION OF PRIVATE ENTITIES AND THEIR REPRESENTATIVES IN THE BUREAU OF IMMIGRATION

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Pursuant to the powers vested to the Commissioner by the Philippine Immigration Act of 1940 and in consonance with the requirements of Administrative Order (AO) 241 issued by the Office of the President of the Republic of the Philippines dated October 2, 2008 mandating the speedy implementation of Republic Act No. 9485, otherwise known as the Anti-Red Tape Act of 2007, and in furtherance to the attainment of the goals of the BI Corruption Prevention Action Plan (C PAP) project, the following are the prescribed guidelines and procedures in accrediting private entities:

SECTION 1. Qualifying Private Entities for Accreditation in the Bureau - Application for accreditation shall be made in writing addressed to the Commissioner (Attention Chairman, Accreditation Center).

Only Accredited Private Entity (APE), i.e. travel agencies, law offices, other private entities and their authorized representatives duly issued with BI - Accreditation ID ’s shall be allowed to transact business with the Bureau, for and on behalf of any alien with respect to their admission, registration, citizenship and other immigration matters.

Each APE shall be allowed a maximum of two (2) representatives.

SECTION 2. Accreditation Requirements - Applicants shall comply with the accreditation requirements enumerated in the attached Annex A[*].

SECTION 3. Terms and Validity - Accreditation of travel agencies, law firms and other private entities shall be granted upon compliance of the requirements enumerated in Annex A and upon which they will be issued accreditation certificates. Accreditation ID shall be issued to the APE representatives upon approval of accreditation.

Accreditation shall only be granted by the Bureau upon full compliance of the requirements by both the APE and its representative/s. The APE must submit itself to integrity check by the personnel of the Accreditation Center and its representative/s are required to undergo training by the BI’s training center. Only thereafter shall the Accreditation Certificate and Identification Card be issued to the APE and its representative/s.

The accreditation of APE and their authorized representatives shall be valid for one (1) year from date of issue, unless terminated by specific order of the Commissioner arising from violation/s of BI laws, guidelines and procedures in accreditation and the Affidavit of Undertaking hereto attached as Annex B[*].

SECTION 4. Bond - To ensure faithful compliance with their obligations under their Affidavit of Undertaking and the BI customized Code of Conduct, all APE, except law offices, shall post a bond in the amount of 100,000.00 Php, either in cash or surety taken at and issued by the GSIS or any of the Top 3 private insurance or surety company as certified by the Insurance Commission, at the option of the Commissioner.

SECTION 5. “No ID-No Entry” Transaction Policy - No person shall be allowed to enter the premises of the Bureau and transact business therein without being accredited and issued a valid accreditation ID prominently

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displayed at all times while in the Bureau premises except the following:

a. Passport owner or his immediate relative provided such relative was issued a duly notarized Special Power of Attorney.

b. Bona fide lawyer transacting business for his client

c. Bona fide employee of the company or other entity where the alien is employed provided that his transaction involves only one passport or the direct dependents of the alien employee and that he was issued a duly notarized Special Power of Attorney executed by a responsible officer of the company.

d. Responsible officer of the accredited private entity.

All accreditation IDs shall be co-terminus with the validity of their offices' accreditation. Expired accreditation IDs which were not surrendered and continued to be used inside the BI premises shall be confiscated by the Civil Security Unit (CSU) and turned over to the Accreditation Center for appropriate action, notwithstanding possible sanction against the APE and its representative.

Special passes shall be issued to the above-mentioned persons by the Commissioner or his duly authorized representative under such terms as he may impose.

Any person caught transacting business in the Bureau without accreditation shall be banned from the premises.

SECTION 6. Accreditation/Renewal/ID Fee - All representatives of travel agencies, liaison officers of law offices and other entities are enjoined to be members of the Bureau of Immigration Accredited Representatives Association (BIARA) which shall endorse their application for accreditation/renewal to the BI. The Bureau of Immigration may not accredit or renew accreditation of APE representatives without prior endorsement from the BIARA. However, lawyers are not required to be members of BIARA.

Accreditation fee shall be 5,000.00 Php and the renewal fee is P3,000.00 Issuance of New ID is 1,000.00 Php and the renewal thereof is 500.00 Php.

SECTION 7. Monitoring and Evaluation - The Accreditation Center shall:

a. monitor and evaluate the status and performance of APE and their authorized representatives, as well as their compliance with the prescribed guidelines and procedures.

b. submit to the Chairman of the Composite Committee on Good Governance (CCGG) its report, findings and recommendations including the imposition of appropriate sanctions/penalties.

c. enforce full compliance of accreditation requirements and obligations under the Affidavit of Undertaking and related provisions of the BI Code of Conduct.

d. devise an effective regular review process of accreditation requirements with the end in view of revising them for efficient transactions at the Bureau.

e. evaluate and conduct investigation on complaints against APE as well as their authorized representatives.

f. conduct integrity check based on sets of standard and requirements on APE and their representatives prior to their accreditation.

SECTION 8. Budget Allocation -

a. A percentage of the proceeds from accreditation and training fees shall be allocated to cover for expenses incurred by the Accreditation C enter in the performance of its functions i.e. transportation costs, integrity checks and other related activities. The Chairman of the Accreditation Center shall determine the budget of this purpose.

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b. For transparency and efficient management, the Accounting Section shall submit to the Accreditation Center regular financial reports derived from accreditation and related fees.

SECTION 9. Compliance with Related Provisions of the BI Code of Conduct - APE and their authorized representatives are prohibited to scout clients within the Bureau premises. Moreover, they are not allowed to influence Bureau employees to engage in activities for pecuniary gain within BI premises as this may constitute direct violations to provisions of the BI Code of Conduct, i.e., Conflict of Interest, Nepotism, among others. Further, the Accreditation Center shall strictly implement the provision of its customized Code of Conduct on the restriction for accrediting APE and their authorized representatives with employee-relatives in the Bureau.

SECTION 10. Renewal - Requirements for the renewal of accreditation are enumerated in the attached Annex C[*].

SECTION 11. Training and Re-training - The Bureau shall conduct related trainings for APE and their duly authorized representatives. Topics shall cover basic provisions of the Philippine Immigration Act but not limited to RA 9485 and its implementing rules and regulations, duties and obligations of the APE and its authorized representatives, BI Code of Conduct, basic security policies and procedures and merit-based performance evaluation system.

SECTION 12. Service Charter - All APE and their authorized representatives shall strictly adhere to the Service Charter of the Accreditation Center (Annex D[*]) which may be modified as the need arises in proper coordination with the Civil Service Commission.

SECTION 13. Sanctions and Penalties - The Bureau, through the Commissioner, reserves the right to suspend or revoke the accreditation of any law offices, travel agencies, firms and other entities upon careful evaluation or during investigation of complaint/s filed against any of their respective liaison officer/representatives or lawyer. If Bureau officials are convinced that the subject APE and/or its duly authorized representative indeed violated any of the BI laws, rules of procedure of accreditation or the Affidavit of Undertaking based on evidence presented, it likewise reserves the right to forfeit a portion or the total amount of Cash Bond of the erring APE.

SECTION 14. Supercession Clause - All previous circulars, instructions, orders and issuances on accreditation are hereby superseded, amended and/or modified accordingly.

SECTIO N 15. Effectivity - This Circular shall take effect immediately upon completion of its publication in a newspaper of general circulation.

Let copies of this Circular be filed with the Office of the National Administrative Register (ONAR), UP Law Center, UP Diliman, Quezon City, Philippines, the Civil Service Commission, Office of the Resident Ombudsman, the Presidential Anti-Graft Commission and the Development Academy of the Philippines.

Adopted: 18 Feb. 2009

(SGD.) MARCELINO C. LIBANAN
Commissioner

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[*] Text Available at Office of the National Administrative Register, U.P. Law Complex, Diliman, Quezon City.

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