IMPLEMENTING RULES AND REGULATIONS (IRR) OF MEMORANDUM ORDER NO. MCL-09-024 DATED 23 NOVEMBER 2009, ENTITLED "ISSUANCE OF ALIEN CERTIFICATE OF REGISTRATION IDENTITY CARD (ACR I-...

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As a necessity and consequence for the implementation and administration of Memorandum Order No. MCL-09-024, dated 23 November 2009, entitled "Issuance of Alien Certificate of Registration Identity Card (ACR I-CARD) to [1] Non-Restrict Foreign Nationals Granted a Total Authorized Stay of Fifty-Nine (59) Days as Temporary Visitors Under Section 9 (A) of Commonwealth Act No. 613, Otherwise Known as the Philippine Immigration Act of 1940, as amended, and [2] Temporary Visitors who Apply for and are Granted Special Study Permit (SSP) and Special Work Permit (SWP), the following implementing rules and regulations are hereby issued:

1. STATEMENT OF POLICY. – There is an imperative need to modernize and improve efficiency and security of the alien registration, identification and monitoring system in light of increasing traffic in the country's numerous ports and escalating threats of terrorists, transnational criminals and foreigners with criminal records through the implementation of an automated, accurate, fraud-proof and tamper-proof registration, identification and monitoring of registered foreigners in the country, while attaining the objective of establishing a singular identity card and convenient transaction card for all resident foreigners and temporary foreign visitors.

2. COVERAGE – The following categories of foreigners are hereby included under the coverage of those to be issued an Alien Certificate of Registration Identity Card (ACR I-Card):

This does not apply to a foreign athletes and / or performing artists whose stay in the country pursuant to such permit does not exceed fifty-nine (59) days.

3. VALIDITY OF THE ACR I-CARD. – The ACR I-CARD issued to the Temporary Visitor's Visa (TVV) for a total authorized stay of more than fifty nine (59) days, Special Study Permit (SSP) or Special Work Permit (SWP) shall be dependent or co-terminus on the validity of the visa/permit granted but not to exceed one (1) year.

> [a] Non-restricted foreign nationals previously granted a total authorized stay of fifty nine (59) days and who wish to further extend his authorized stay as temporary visitors under Section 9 (a) of Commonwealth Act. No. 613 otherwise known as the "Philippine Immigration Act of 1940", as amended;
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> [b] Temporary visitors who apply for and are granted Special Study Permit (SSP); and
>
> [c] Temporary visitors who apply for and are granted Special Work Permit (SWP).

No application for extension for Temporary Visitor's Visa (TVV) beyond a total authorized stay of more than fifty nine (59) days, and application for Special Study Permit (SSP) or Special Work Permit (SWP) shall be granted without proof of payment of all immigration fees and related charges, including the ACR I-Card issuance fee.

[a] The date of approval of the extension of visa to non-restricted foreign national who are granted a total authorized stay of more than fifty-nine (59) days, as temporary visitors under Section 9(a) of Commonwealth Act No. 613, as amended, shall be reflected as the date of validity of the ACR I-CARD.

[b] The date of approval of the Special Study Permit (SSP) shall be reflected as the date of validity of the ACR I-CARD.

[c] The date of approval of the Special Work Permit (SWP) shall be reflected as the date of validity of the ACR I-CARD.

4. EXTENSION OF TVV, SSP OR SWP. Existing TVV, SSP and SWP holders with ACR I-CARD shall not be charged a new for the ACR I-CARD issuance fee, and shall not be issued another ACR I-CARD when an application for extension of visa as temporary visitor, or extension /renewal of SSP or SWP is filed and granted within the one-year validity period of the ACR I-CARD.

5. APPLICATION PROCESS

[a] For an application for extension of Temporary Visitor's Visa (TVV) for a total authorized stay of more than fifty-nine (59) days, Special Study Permit (SSP) and Special Work Permit (SWP) that are processed and granted at the BI Main Office, the ACR I-CARD shall be processed, printed and released simultaneously with the approval of the visa extension or permit to the applicant.

[b] For an application for extension of Temporary Visitor's Visa (TVV) for a total authorized stay of more than fifty-nine (59) days, Special Study Permit (SSP) and Special Work Permit (SWP) that are processed, approved and granted at the district offices, sub-port offices, satellite offices, and extension offices, the corresponding ACR I-CARD shall be processed, printed and released within a forty eight (48) hour period from the time of approval.

[c] For an application for extension/updating of Temporary Visitor's Visa (TVV) for a total authorized stay of more than fifty-nine (59) days that are processed, approved and granted at the district offices, sub-port offices, satellite offices, extension offices and international ports of entry/exit on the date of actual departure by the foreign national, the ACR I-CARD shall be processed and printed, however, the same shall be deemed as surrendered to the Immigration Officer at the airport.

6. DELIVERY AND ISSUANCE OF ACR I-CARDS. – At the option of the applicant, the ACR I-CARD shall be delivered either [1] to the district office, sub-port office, satellite office, and extension office, where he/she submitted the application for him/her to personally, or through his/her duly authorized representative, to claim or [2] to his/her stated local address; Provided, that in the latter case, the cost of delivery by the courier service shall be for the account of the applicant. For this purpose, the applicant shall fill up a consignment note/airway bill, whereby the applicant, as consignee of the ACR I-CARD, binds himself to pay the stated cost of delivery upon receipt of the package containing his ACR I-CARD.

7. GRANT AND/OR CANCELLATION OF PERMITS – A grant of SSP or SWP, or transfer of educational institution or employer by the foreigner, respectively, or the cancellation thereof to an ACR I-CARD holder under this Memorandum Order shall necessitate the assessment and proof of payment of all required immigration fees and related charges, including the ACR I-Card issuance fee, attendant to such change of immigration or visa status. The applicant shall be issued a new ACR I-CARD showing the color-code as provided in paragraph 9 hereof.

8. RECORDING OF VISA/PERMIT VALIDITY INSIDE MICRO-CHIP – The inclusive validity period of the approval of the extension of visa/permit for this category of temporary visitors, and any subsequent visa/permit extension within the validity period, shall be recorded in the embedded micro-chip of the ACR I-CARD.

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[a] The inclusive validity period of the approval of the extension of visa/permit to non-restricted foreign nationals who are granted a total authorized stay of more than fifty-nine (59) days, as temporary visitors under Section 9 (a) of Commonwealth Act No. 613, as amended, shall be recorded in the embedded micro-chip of the ACR I-CARD.

[b] The inclusive validity period of the approval of the Special Study Permit (SSP) shall be recorded in the embedded micro-chip of the ACR I-CARD.

[c] The inclusive validity period of the approval of the Special Work Permit (SWP) shall be recorded in the embedded micro-chip of the ACR I-CARD.

9. COLOR-CODING – The ACR I-CARD issued to the Temporary Visitor's Visa (TVV) holder for a total authorized stay of more than fifty nine (59) days, Special Study Permit (SSP) or Special Work Permit (SWP) shall be color-coded as follows:

[a] GREEN and ORANGE – Non-restricted foreign nationals granted a total authorized stay of fifty-nine days and beyond, as temporary visitor under Section 9(a) of Commonwealth Act No. 613, as amended;

[b] RED and VIOLET - Temporary visitors who apply for and are granted Special Study Permit (SSP);

[c] RED and BLACK – Temporary visitors who apply for and are granted Special Work Permit (SWP).

10. TRANSACTION CARD – the ACR I-CARD shall be presented to immigration authorities, together with the passport in transactions involving the application or extension of visa/permit. The ACR I-CARD shall be used, in conjunction with a card reader to retrieve the information on visa/permit validity dates, extension granted, and other relevant information appertaining to the foreign national.

To attain the objective of establishing a singular identification card to serve as an identity and convenient transaction card for all resident foreigners and temporary visitors, the ACR I-CARD, in combination with the passport, shall be presented to immigration authorities, banking and financial establishments, schools and educational institutions, government agencies, and other law enforcement personnel to evidence lawful stay in the country.

For this purpose, the Bureau of Immigration, shall upon request, provide ACR I-CARD micro-chip readers to banking and financial establishments, schools and educational institutions, government agencies, and law enforcement organizations on their own account at acquisition cost.

The Bureau of Immigration, shall likewise upon substantiation and validation of request by banking and financial establishments, schools and educational institutions, government agencies, and law enforcement organizations, provide access to its ACR I-CARD database, where the status and visa/permit validity of a foreigner can be ascertained; Provided, that the cost of the data access and query shall be shouldered by the requesting entity.

11. EMIGRATION CLEARANCE CERTIFICATE (ECC) – Foreign nationals who have been granted a total authorized stay of six (6) months or more shall be required to secure a Emigration Clearance Certificate (ECC) from the Bureau of Immigration.

12. EXIT/ DEPARTURE FROM THE COUNTRY – Notwithstanding its validity period, the ACR I-CARD shall not be used as a Re-Entry Permit (RP) or Special Return Certificate (SRC) at the time of arrival and primary inspection at the port of entry for [1] non-restricted foreign nationals who have been granted a total authorized stay of more than fifty nine (59) days as Temporary Visitor under Section 9 (a) of Commonwealth Act No. 613, as amended and [2] Temporary Visitors who apply for and are granted Special Study Permit (SSP) and Special Work Permit (SWP) after an exit/ departure is made from the country.

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13. SURRENDER OF ACR I-CARD UPON EXIT/DEPARTURE – The ACR I-CARD shall be presented and surrendered to and retained by the Immigration Officer at the primary inspection counter upon exit/departure from the country. The concerned Immigration Officer shall immediately turn-over the surrendered ACR I-CARDs to the ACR I-CARD Center at the BI Main Office for inventory and proper disposition.

14. REPLACEMENT OF LOST CARDS – Replacement of lost cards shall be subject to the payment of existing replacement fee for ACR I-CARDs.

15. MANDATORY COMPLIANCE. – The issuance of the ACR I-CARD shall be incorporated as the last step in the present system of expediting visa/permit issuance.

The Alien Registration Division (ARD), the Visa Extension Section, the Cash Section and the Computer Section shall ensure that the appropriate amendment/revision to the process flow shall be established to ensure that no application for extension for Temporary Visitor's Visa (TVV) for a total authorized stay of more than fifty nine (59) days, Special Study Permit (SSP) or Special Work Permit (SWP), shall be granted and issued without proof of payment of all immigration fees and related charges, including ACR I-Card issuance fee.

To simplify the assessment and payment process, a single Order of Payment Slip (OPS) and Official Receipt (OR) shall be issued itemizing all assessments and payments of immigration fees and related charges, including the ACR I-Card issuance fee, respectively.

16. REPEALING CLAUSE – All memoranda, orders, rules, regulations and other issuances inconsistent herewith are hereby repealed or modified accordingly.

17. EFFECTIVITY – This Memorandum Order shall take effect immediately upon its publication in a newspaper of general circulation.

Let copies of this Memorandum Order be filed with the Office of the National Administrative Register (ONAR), U.P Law Center, U.P Complex, Diliman, Quezon City.

Adopted: 29 Dec. 2009

(SGD) MARCELINO C. LIBANAN
Commissioner

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