

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

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

*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: