

**[ BOI Operations Order No. SBM-2015-016, June 10, 2015 ]**

**PROCESSING OF REQUESTS FOR RECALL OF EXCLUSION OF AND/OR VISA WAIVER FOR EXCLUDED FOREIGNERS**

*Adopted: 10 June 2015*

*Date Filed: 11 June 2015*

**WHEREAS**, Section 29(b), C.A. No. 613 or the Philippine Immigration Act of 1940, as amended authorizes the Commissioner to permit to enter any foreigner properly documented who is subject to exclusion;

**WHEREAS**, in a letter dated 25 March 2015, Assistant Secretary Wilfredo C. Santos, Office of Consular Affairs, Department of Foreign Affairs (DFA), informs that effective May 2015, their Visa Division will no longer attend to visa waiver requests from the general public, and will only consider meritorious cases of endorsed to them by accredited foreign embassies through diplomatic channels;

**WHEREAS**, the DFA through the said letter also recommends that excluded foreign nationals and/or their authorized representative lodge their request for visa waiver directly with the Bureau of Immigration for expeditious action as the admission of foreigners remains to be its exclusive power;

**WHEREAS**, the DFA through the said letter informs their standard operating procedures and general cases where favorable endorsement to the Bureau for visa waiver are issued;

**WHEREAS**, there is a need to standardize the process of recall of exclusion and/or visa waiver requests of excluded foreigners in relation to immigration control, regulatory, and national security purposes, all in pursuit of the mandate of the Bureau as a law enforcement agency;

**NOW THEREFORE**, pursuant to the rule-making power of the Commissioner of Immigration under Section 3, C.A. No. 613 and Section 29 and 36, Chapter 6, Book IV, Title III, E.O. No. 292 or the Revised Administrative Code of 1987, this Operations Order is hereby issued:

**Section 1. Short Title** . - This Operations Order shall be known as "Processing of Requests for Recall of Exclusion of and/or Visa Waiver for Excluded Aliens."

**Section 2. Documentary Requirements.** - All excluded foreigners desiring to be permitted to enter under Section 29(b), C.A. No. 613, shall submit the following in applying for recall of exclusion and/or visa waiver:

1. Letter request from the excluded alien and/or authorized representative, indicating name, birth date, passport details, flight/voyage number; addressing the reason for exclusion and purpose of entry into the country; and
2. Photocopy of passport bio-page and Exclusion Order served. Photocopy of the Exclusion Order may be dispensed with for emergent reasons such as a medical emergency, which must be indicated in the request;
3. Such other supporting documents as may be indicated in the request.

**Section 3. Filing, Process Flow and Timelines.** - Except for emergent meritorious cases, the request shall be filed with the Central Receiving Unit (CRU), Main Office only within 12 hours from receipt of the copy of Exclusion Order and shall be processed as follows:

Central Receiving Unit

- a. Within 1 hour from receipt and docketing, the CRU shall transmit the request to the Office of the Commissioner;

Office of the Commissioner

- b. Within 2 hours from receipt, the assigned evaluating officer at the Office of the Commissioner shall prepare a recommendation for the Commissioner via a draft Recall Exclusion Order (REO) and/or Visa Waiver Order (VWO) (for approval or denial);
- c. Within 15 minutes from signing, the signed REO/VWO shall be sent by the Office of the Commissioner via facsimile and/or other electronic means to the BI airport/seaport terminal where the excluded alien is awaiting implementation of exclusion for appropriate action;

**Section 4. Duty of the Terminal Head/Boarding Officer Where the Excluded Alien Arrived; Timelines**

Exclusion Order

- a. Within 1 hour from actual exclusion, the Terminal Head/Supervisor/concerned TCEU Officer shall prepare or cause the preparation of an Exclusion Order concerning an excluded foreigner with sufficient details showing reason/s therefore. The excluded foreigner shall simultaneously be given a copy, notating the time and date of receipt.

Awaiting Exclusion

- b. The concerned officer shall ensure that: (1) the excluded foreigner stays within the BI premises while waiting for the next available flight; (2) physically endorsed to the airline/vessel for the next available flight/voyage out of the country; (3) the actual boarding of such excluded foreigner in the applicable flight. Provided, where there is an advice from the Commissioner or his authorized representatives to the Terminal Head/Supervisor/concerned TCEU Officer of a request for recall of exclusion/visa waiver the excluded foreigner shall remain in the Terminal pending final disposition of the request.

Decision on REO /VWO

- c. Upon receipt by the Terminal Head/Supervisor/TCEU Officer of the REO/VWO, the following protocol shall be followed:

If for Approval -