

**[BI OPERATIONS ORDER NO. SBM-2014-048,
September 30, 2014]**

**ACTS OR OMISSIONS THAT CONSTITUTE UNDESIRABILITY OF
FOREIGN NATIONALS**

Adopted: 30 September 2014

Date Filed: 16 October 2014

WHEREAS, the Philippine Immigration Act of 1940 (Commonwealth Act No. 613), as amended mandates the Bureau of Immigration (BI) as the agency principally responsible for the administration and enforcement of foreign nationals' admission, deportation and registration laws;

WHEREAS, the BI has been receiving complaints alleging undesirability of foreign nationals;

WHEREAS, there is a need to specify the acts or omissions that constitute undesirability of a foreign national under CA 613, Sec. 52 in relation to Act 2711, Sec. 69;

NOW, THEREFORE, pursuant to CA 613, Sec. 3 granting the rule-making power of the Commissioner, the following rules are hereby prescribed:

Section 1. Acts or Omissions Constituting Criminal Offense – The commission of any act or omission commit of any act or omission constituting criminal offense punishable by imprisonment of one (1) year or more shall not deem a foreign national as undesirable.

Commission of acts or omission constituting a criminal offense punishable by imprisonment of less than one (1) year shall not deem a foreign national as undesirable UNLESS his said acts or omission are: (i) against a group or a community; or (ii) constitute moral turpitude.

Section 2. Evidence Required to Prove Undesirability – Substantial evidence shall be required to prove undesirability.

In cases when the appropriate government agency/officer files criminal information against a foreign national after inquest proceedings or preliminary investigation, the foreign national shall likewise be charged and deported if there is substantial evidence to prove his undesirability as defined in Section 1.

However, the charges of undesirability shall not be used as a means of evading criminal prosecution.

In cases when the foreign national is ordered released for further investigation or the criminal complaint is dismissed, the foreign national shall still be charged and deported if there is substantial evidence to prove his undesirability under Section 1.