

[BI IMMIGRATION MEMORANDUM CIRCULAR NO. SBM-2014-017, October 27, 2014]

INSTITUTING THE BUREAU OF IMMIGRATION'S REWARD AND INCENTIVE PROGRAM TO BE KNOWN AS "SA IMMIGRATION MAGSUMBONG" AND PRESCRIBING THE RULES AND PROCEDURES NECESSARY THEREFOR

*Adopted: 27 October 2014
Date Filed: 29 October 2014*

WHEREAS, the Bureau of Immigration (BI) is principally responsible for the administration and enforcement of immigration Laws, rules and regulations, alien admission and registration laws, in accordance with the provisions of the Philippine Immigration Act of 1940, as amended (*Section 31, Chapter 10, Title III, Book IV, Administrative Code of 1987*);

WHEREAS, foreign nationals who are in temporary sojourn in the country have the obligation to update their temporary visitor's visa, otherwise they shall be considered as overstaying foreign nationals in violation of Section 37(a)(7) of Commonwealth Act No. 613, otherwise known as the Philippine Immigration Act of 1940;

WHEREAS, extensions of stay are a matter of grace which should be strictly interpreted^[1] and it is not a ministerial duty on the part of the Commissioner to extend the stay of a temporary visitor^[2], thus, the grant or denial of applications for extension of stay is subject to the Commissioner's exercise of sound discretion based on reciprocity and dictates of public policy and public welfare;

WHEREAS, Immigration Memorandum Circular No. SBM-2013-003^[3] encouraged overstaying foreign nationals to voluntarily report to BI Offices to extend and update their stay, thus, resulting in their being properly identified and monitored as well as increased collections from immigration fees and penalties;

WHEREAS, on 19 June 2014, the BI instituted an Assisted Voluntary Return Program (AVRP) that expanded the coverage of Immigration Memorandum Circular No. SBM-2013-003 to include foreign nationals not qualified thereto but desire to update their stay and leave the country through lawful and regular means without apprehension of being subjected to forced removal through deportation;

WHEREAS, in both instances, foreign nationals found to be overstaying by virtue of a complaint, investigation or Mission Order regardless of the period of overstay shall be referred for deportation;

WHEREAS, under the BI "*Alien Registration Program (ARP)*"^[4], all foreign nationals, whether documented or undocumented, who shall apply for registration with the BI during the period from 01 October 2014 to 30 September 2015 may be

recommended for waiver from prosecution for immigration-related offenses and be primary beneficiaries of future social integration/legalization programs of the government;

WHEREAS, notwithstanding the foregoing programs to encourage foreign nationals to voluntarily update their authorized stay, there is still a need to maximize operations to eliminate overstaying foreign nationals in the country and one way to achieve this objective is to incentivize any person to report to the BI any overstaying foreign national and such report shall result in the apprehension of such foreign national;

NOW, THEREFORE, pursuant to Section 3 of the Philippine Immigration Act of 1940, as amended, authorizing the Commissioner of Immigration to issue such rules and regulations he deems necessary for the implementation of all immigration laws and on all matters within the BI's jurisdiction, the following are hereby promulgated:

Section 1. Institution of the Program. - There is hereby instituted a REWARDS AND INCENTIVE TO REPORT ILLEGAL FOREIGN NATIONALS PROGRAM granting monetary incentive to any person who shall report to the BI any overstaying foreign national and such report shall result in the apprehension of such foreign national, hereinafter referred to as the "**SA IMMIGRATION MAGSUMBONG**" Program.

Section 2. Coverage. - This Program shall only apply to temporary visitors or tourists who have stayed in the country beyond their authorized stay or commonly known as "*overstaying aliens*".

Reports alleging other violations of immigration laws, rules and regulations^[5] shall be taken cognizance of and investigated by the Intelligence Division; Provided that, the informant shall not be entitled to the incentive granted under this Program by reason of said report; Provided, further, that if upon verification and investigation of such report, the foreign national is likewise an "overstaying alien" among his/her other violations, the provisions of this Circular shall apply.

Section 3. Reporting Process. - Any person who has personal knowledge of the presence in the country of any overstaying foreign national may report such fact to the BI National Operations Center (BINOC) by sending a text message, through mobile phone short message service (SMS), to any of the following mobile phone numbers:

SMART - +63 908 894 6644

SUN - +63 932 894 6644

GLOBE - +63 917 573 3871

The text message shall specifically contain information in the following format:

SIM FULL NAME OF FOREIGNER COMPLETE ADDRESS NAME OF
INFORMANT

Section 4. Duties of the BINOC. - The BINOC shall perform the following activities:

- a) Immediately reply to any SMS by acknowledging receipt thereof to the informant with statement that such report shall be verified and validated and forward the report to the Intelligence Division;
- b) Upon validation of the information from the Intelligence Division,