

**[ DOJ ORDER NO. 94, March 04, 1998 ]**

**ESTABLISHING A PROCEDURE FOR PROCESSING APPLICATIONS  
FOR THE GRANT OF REFUGEE STATUS**

Whereas, under Section 47(b) of Commonwealth Act No. 613, "The Philippine Immigration Act of 1940", as amended, the President is authorized, for humanitarian reasons and when not opposed to the public interest, to admit aliens who are refugees for religious, political or racial reasons, in such classes of cases, and under such conditions as he may prescribe;

Whereas, pursuant to Presidential Decree No. 830 dated 27 November 1975 and Letter of Implementation No. 47 dated 18 August 1976, the President delegated the aforestated authority to the Secretary of Justice;

Whereas, it is necessary to establish a procedure for the grant of refugee status to aliens pursuant to the provisions of Section 47(b) of the Philippine Immigration Act of 1940, as amended, and consistent with the obligations of the Philippine Government under the 1951 United Nations Convention and the 1967 Protocol Relating to the Status of Refugees;

Wherefore, the following procedure is hereby adopted for the processing of applications for refugee status:

**I**

**Preliminary Provisions**

*SECTION 1. Definition of Terms* — As used in these Rules, unless the context indicates otherwise -

- a. "Alien" refers to any person not a citizen of the Philippines;
- b. "Application" refers to a claim filed by an alien for the grant of refugee status that is filed under these Rules;
- c. "Applicant" refers to an alien in the Philippines who has filed an application. The term includes the spouse and dependent children under eighteen (18) years of age of the applicant;
- d. "Act" refers to Commonwealth Act No. 613, "The Philippine Immigration Act of 1940", as amended.
- e. "Government" refers to the Government of the Republic of the Philippines;
- f. "Secretary" refers to the Secretary of the Department of Justice;

- g. "Bureau" refers to the Bureau of Immigration;
- h. "Commissioner" refers to the Commissioner of the Bureau;
- i. "UNHCR" refers to the Office of the United Nations High Commissioner for Refugees.

*SECTION 2. Objectives* — These Rules seek to establish a fair, open, effective and speedy process for the determination of the refugee status of an alien consistent with our laws, international commitments and our humanitarian traditions and concerns.

*SECTION 3. Basic Principles* — These Rules shall be governed by the following basic principles:

- a. An applicant, during the pendency of his application, or a refugee shall not be expelled or returned to a country where there are valid reasons to believe that his life or freedom would be threatened on account of his race, religion, nationality, membership in a particular social group or political opinion.
- b. An applicant shall not be punished on account of his illegal entry or presence in the country, provided he presents himself without delay to the authorities and/or shows good cause for his illegal entry or presence.
- c. Family unity shall be promoted and preserved.

## **II Eligibility**

*SECTION 4. Eligible Applicant* — Refugee status shall be granted to an applicant who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality, is unable or, owing to such fear, is unwilling to return to the country of his former habitual residence.

*SECTION 5. Ineligible Applicant* — An applicant may not be granted the status of a refugee if it is found that:

- a. he has already been granted refugee status in another country and enjoys the effective protection of that country; or
- b. If he has filed an application for refugee status which was denied by the Government or by UNHCR, unless that applicant presents substantive new information pertaining to his application that was not previously disclosed.

*SECTION 6. Disqualified Applicant* — Refugee status shall not be granted to an applicant with respect to whom there are serious reasons for considering that he has committed -

- a. a crime against peace, a war crime or a crime against humanity as defined in the

international instruments drawn up to make provision in respect of such cases;

b. a serious non-political crime prior to entry into the Philippines; or

c. an act contrary to the purposes and principles of the United Nations.

### **III**

#### **Filing of Application**

*SECTION 7. Application; When Filed* — An alien may file an application using the attached form at the time of entry or at any reasonable time thereafter.

*SECTION 8. Where to File Application* — An application may be filed directly with the Secretary, or in the central office or any field office of the Bureau in the port of entry/admission of the applicant. In the latter case, the Commissioner or the Immigration officer concerned shall forward the application to the Secretary within ten (10) days from the date of receipt thereof.

*SECTION 9. Form of Application* — An application shall be in the form prescribed by the Secretary. It shall be accomplished in triplicate and shall be placed under oath or affirmation by the applicant. The right thumbprint of the applicant shall be affixed to the application.

*SECTION 10. Photographs Of Applicant* — A passport-size color photograph of the applicant, without a hat or glasses, taken within thirty (30) days of the date of application shall be attached to each copy of the application. The photographs shall have a white background, be glossy, unretouched, and not mounted.

*SECTION 11. Supporting Documents* — An application shall be accompanied by the passport or other travel document of the applicant, national or state identification card from his country of origin, or similar document to establish his identity together with the marriage certificate or similar document, in the case of the spouse, and the birth certificate, baptismal certificate or other evidence of birth, in the case of a dependent.

### **IV**

#### **Determination of Refugee Status**

*SECTION 12. Interview of Applicant* — If the Secretary finds that the application is complete in form and is accompanied by all the required documents, he shall give due course to the application and shall interview the applicant to determine the veracity of the allegations in the application.

The Secretary shall notify the Commissioner in writing that the application has been given due course.

*SECTION 13. Effect of Giving Due Course to Application* — Upon receipt of the notice that an application has been given due course, the Commissioner shall suspend all cases for the deportation or exclusion of the applicant that are being undertaken by the Bureau for alleged violation of any provision of the Act which may be inherent to illegal entry or residence such as the absence of valid travel documents.