

## **[ CID LAW INSTRUCTIONS NO. 4, January 25, 1988 ]**

### **DEPORTATION RULES OF PROCEDURE**

1. Under the Immigration Act, Section 8-A, the Board of Commissioners shall have exclusive jurisdiction over all deportation cases. Hence, the Board exercise authority, inter alia, to:

- a. Issue warrant of arrest against an alien complained of or charged. The Board shall act as the judge under the Constitution, Article III Section 2;
- b. Authorize and fix the bail for his provisional release;
- c. Hear charges, evaluate evidence, formulate conclusions and submit its decision to the President;
- d. Review on appeal or motu proprio the decision of the Board of Special Inquiry;
- e. Decide deportation cases.

2. Under the Constitution, Article III, an alien is entitled to the protection of the Bill of Rights.

Under the Immigration Act, Section 37, para. c, no alien shall be deported without being informed of the specific grounds for deportation nor without being given a hearing under these rules of procedure.

3. The Commissioner shall approve the application for search warrant before it is filed in court.

4. During custodial interrogation, the accused shall be entitled to the right to counsel. He may waive the right to counsel, but only in writing, and in the presence of counsel. After arrest, the Special Prosecutor shall make a phone call to the consul-general concerned inform him of the arrest, and of the suspect's right to counsel.

The suspect shall be allowed to make one phone call to his lawyer, and one phone call to his family. He shall be allowed to receive visitors, including media, only as regulated.

5. The Special Prosecutor shall conduct preliminary investigation, under the laws now governing such investigation in the fiscal's office. He may avail of the service of any member of the Law Division.

6. When the Intelligence Division makes an arrest after surveillance (commonly known as a raid), under the Constitution, Article III, Section 13, the Special