

[CID LAW INSTRUCTIONS NO. 33, June 08, 1988]

**ISSUANCE OF TEMPORARY RESIDENT VISAS TO CERTAIN
ALIENS MARRIED TO PHILIPPINE CITIZENS**

1. This supplements Law Instructions No. 13.
2. The 1987 Constitution Article 2, Section 12 provides:

"The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. It shall equally protect the life of the mother and the life of the unborn from conception. The natural and primary right and duty of parents in the rearing of the youth for civil efficiency and the development of moral character shall receive the support of the Government."

3. The Immigration Act, Section 13 (a) thus provides:

"SEC. 13. Under the conditions set forth in this Act, there may be admitted into the Philippines immigrants, termed 'quota immigrants' not excess of fifty (50) of any one nationality or without nationality for any one calendar year, except that the following immigrants, termed 'non quota immigrants', may be admitted without regard to such numerical limitations.

"The corresponding Philippine Consular representative abroad shall investigate and certify the eligibility of a quota immigrant previous to his admission into the Philippines. Qualified and desirable aliens who are in the Philippines under temporary stay may be admitted within the quota, subject to the provisions of the last paragraph of Section 9 of this Act.

"(a) The wife or the husband or the unmarried child under twenty-one years of age of a Philippine citizen, if accompanying or following to join such citizen."

4. Under the **Foreign Service Code of 1983**, the Department of Foreign Affairs periodically draws up a list of the countries which grant permanent residence and immigration privileges to Filipinos as well as the countries whose nationals fall under the category of restricted nationals. This list is updated periodically.

x x x

Countries not enumerated in the list do not grant permanent residence and immigration privileges to Filipinos. Under the principal of reciprocity, nationals of these countries are not granted permanent residence and Immigration privileges in the Philippines.

For reasons of national security, restricted nationals are likewise not granted permanent residence and immigration privileges in the Philippines.

5. However, in recognition of the need to give substance to the Constitutional provision upholding the sanctity of family life and protecting and strengthening the family as a basic autonomous social institution while at the same time respecting the principle of reciprocity and the interests of national security, a national of a country which does not reciprocally grant permanent residence and immigration privileges to Filipinos as well as a national of a country which is classified as restricted, who is the wife or the husband or the unmarried child under twenty-one years of age of a Philippine citizen, if accompanying or following to join such citizen, shall be granted a temporary resident visa (TRV) valid for an initial probationary period of one (1) year and renewable thereafter for periods not exceeding three (3) years at one time.

6. An application for a temporary resident visa (TRV) filed by a Philippine citizen on behalf of his or her spouse or unmarried child under twenty-one years of age shall establish the same facts and be supported by the same documents required to support an application for immigrant visa under the Immigration Act, Section 13(a), as enumerated in Law Instructions No. 13, dated 28 February 1988, paragraph 2, and Immigration Regulations Instructions No. 21, dated 13 April 1988, relating to the AIDS Clearance Certificate, except that, in addition, the following documents shall also be submitted:

- a. Clearance from the central government agency of applicant's country or place of residence, competent to give information about any criminal record that applicant may have, duly authenticated by the Philippine Embassy or Consulate in or closest to applicant's country.
- b. NBI Clearance
- c. CID Intelligence Clearance

The CID Intelligence Clearance shall be required in lieu of the NICA Clearance required under Law Instructions No. 13, paragraph 2.

7. The procedure for processing an application for a temporary resident visa (TRV) shall be identical to that set forth in Law Instructions No. 26, dated 18 May 1988, paragraphs 2 to 7.

8. If the Board of Commissioners finds that the application complies with the requirements of the Immigration Act, Section 13(a) and that the applicant has established the facts entitling him to the authorization, the Board shall grant the application and the Commissioner shall so inform the applicant.

9. The Board of Commissioners shall meet on the second and fourth Mondays of each month to deliberate on the applications for a temporary resident visa (TRV). Applications which have been duly heard by the BSI and for which it has already issued recommendations, shall be calendared for the immediately succeeding board meetings.

In the event that the decision of the Board of Commissioners is adverse to the applicant, he may file a motion for reconsideration within five (5) days from notice