

July 04, 1956

AGREEMENT ON IMMIGRATION BETWEEN THE REPUBLIC OF THE PHILIPPINES AND THE REPUBLIC OF INDONESIA

Note: The Agreement was concurred in by the Senate, S.R. No. 94, May 23, 1957. It entered into force, February 14 1961 upon the exchange of ratification between the Parties. It was proclaimed by the President, Proc. No. 752, S. 1961.

Reference: This Agreement is also published in IV DFA TS No. 1, p. 32 and 401 UNTS, p. 59.

The Republic of the Philippines and the Republic of Indonesia, in furtherance of the friendly relations existing between them and desiring to conclude an Agreement providing for the treatment which shall be accorded the nationals of each Contracting Party who are illegally in the territory of the other, and establishing, on a reciprocal basis, a more expeditious and simplified system of control for the entry and exit of the nationals of each of the Contracting Parties living within the specified Border Area of such Contracting Party and intending to make visits of limited duration to the corresponding Boarder Area of the other Contracting Party, have designated for this purpose the undersigned Plenipotentiaries who, after communicating to each other their respective full powers, found in good and due form, have agreed as follows:

ARTICLE I

Except as hereinafter provided, each of the Contracting Parties shall repatriate its nationals who are now or may hereafter be found in the territory of the other after it shall have been determined by the competent authorities of the latter that such nationals of the Contracting Party concerned have entered illegally the territory of the other Contracting Party. This undertaking shall include all expenses for their subsistence and medical treatment while under detention, pending repatriation which expenses shall accrue from the moment of notification of their detention in such place as may be designated by the Contracting Parties, and in returning them to their country.

ARTICLE II

In consideration of the undertaking of each Contracting Party provided in Article I the following classes of persons shall be exempt from the application of the said Article I upon legalization of their permanent residence status. 1. The nationals of each of .the Contracting Parties who had illegally entered the territory of the other before January 1, 1946 and have continuously resided therein, including their minor children born in the said territory, provided that they are admissible and not subject to deportation under the laws of the Contracting Party in whose territory they are found except for the fact that they had entered illegally.

2. The nationals of each of the Contracting Parties who entered illegally and who are residing illegally in the territory of the other and who, before January 1, 1954, had contracted valid marriage with the nationals of the Contracting Party in whose territory they are residing as shown in official registry records.

ARTICLE III

Each of the Contracting Parties shall, at the date of this agreement, communicate to the other a binding official estimate of the number of nationals of the other Contracting Party illegally within its territory as of October 29, 1954. All illegal entries after October 29, 1954, shall be treated as future entries and shall be summarily repatriated under the provisions of Article I.

ARTICLE IV

Application for legalization of permanent residence under the provisions of subparagraphs 1 or 2 of Article II hereof must be filed in due form with the competent authorities of the Contracting Party concerned by the applicant within a period of three (3) months from the date this Agreement takes effect, extend-ible for another period not exceeding three (3) months upon the written request of either of the Contracting Parties; Provided, however, that any person failing to comply with the provisions of this Article shall be deemed illegally residing in the country where he is found and shall forthwith be repatriated under the provisions of Article I of this Agreement.

ARTICLE V

The nationals of each of the Contracting Parties claiming the privilege of legalizing their permanent residence on the basis of subparagraphs 1 or 2 of Article II of this Agreement must in every case present evidence that they fall under any of the two exempted classes above-mentioned, satisfactory to the competent authorities of the Contracting Party within whose territory they reside, and subject, in case of appeal by the persons concerned to judicial review by its courts.

Each of the Contracting Parties shall charge for the legalization and alien registration under the provisions of this Article a fee of the equivalent in legal tender of fifty Philippine pesos for each person: Provided, however, that persons of 14 years of age or below shall be exempt from such charges; and Provided, further, that, in the case of Indonesian nationals, the Government of the Republic of Indonesia shall pay all amounts due under- this Article to the Government of the Republic of the Philippines in two installments, the first of which shall be paid on the date this Agreement takes effect and the second within twelve months thereafter.

ARTICLE VI

The Contracting Parties agree to establish a system of border crossing control whereby nationals of each of the Contracting Parties residing in the specified Border Area may freely enter into and travel within the corresponding Border Area of the other solely for purposes of business and/or visit of relatives and/or for religious worship and/or pleasure, subject to the laws and regulations existing therein provided that they are bona fide holders of Border Crossing Cards which shall be issued by each of the Contracting Parties in accordance with the provisions of this Agreement.

ARTICLE VII

For purposes of this Agreement, the border Areas are: Philippines:

1. Balut-Sarangani Island Group
2. Sibutu Island Group
3. Simanul Island
4. Manuk Manka Island