

[BI IMMIGRATION MEMORANDUM CIRCULAR NO. SBM-2014-009, August 08, 2014]

GUIDELINES FOR REVOCATION OF NON-QUOTA IMMIGRANT VISA UNDER COMMONWEALTH ACT NO. 613, SECTION 13(A) OR TEMPORARY RESIDENT VISA

Adopted: 08 August 2014

Date Filed: 13 August 2014

In accordance with Opinion No. 52, series of 2013, issued by the Secretary of the Department of Justice (DOJ) on 17 June 2013 concerning the interpretation of Section 13(a) of Commonwealth Act (C.A.) No. 613, otherwise known as the Philippine Immigration Act of 1940, as amended, and the application thereof on Temporary resident Visa (TRV under Law Instruction 33 and Memorandum Order No. ADD-01-038, the following guidelines shall be observed:

1. The dissolution of marriage by declaration of nullity, annulment, legal separation or separation de facto between the foreign husband and Filipino wife shall operate as a ground for the revocation of the foreign husband's Non-Quota Immigrant Visa under C.A. No. 613, Section 13(a) or TRV, except:
 - a. If the dissolution of the marriage is due to the death of the Filipino wife and there is/are surviving child/children of such marriage; and
 - b. In case of petition for (i) adjustment of status from Temporary Visitor Visa under C.A. No. 613, Section 9(a) to Non-Quota Immigrant Visa under C.A. No. 613, Section 13(a) or TRV; or (ii) amendment or extension thereof, respectively, the surviving foreign husband, in his own capacity^[1], or the child, as petitioner^[2], may file a petition for Non-Quota Immigrant Visa under C.A. No. 613, Section 13(a) or TRV of the foreign husband.
2. Dependents under Non-Quota Immigrant Visa under C.A. No. 613, Section 13(a) or TRV must be:
 - a. Under twenty one (21) years of age;
 - b. Unmarried; and
 - c. Accompanying or following to join his Filipino parent.

In case the dependent of a Non-Quota Immigrant Visa under C.A. No. 613, Section 13(a) or TRV attains twenty one (21) years of age or marries, such dependent shall already be disqualified and shall cause the revocation of his/her dependent visa.

This Circular takes effect immediately.