

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Philippines

**EIGHTEENTH CONGRESS**  
First Regular Session

HOUSE BILL NO. 3425



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**INTRODUCED BY REPRESENTATIVE ALFRED VARGAS**

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**AN ACT  
PROTECTING THE RIGHTS OF REFUGEES AND STATELESS PERSONS, ESTABLISHING  
THE REFUGEES AND STATELESS PERSONS PROTECTION BOARD, AND FOR OTHER  
PURPOSES**

**EXPLANATORY NOTE**

The United Nations (UN) defines "refugee" as "any person who: owing to a 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 to or, owing to such fear, is unwilling to avail himself of the protection of that country."

Refugees, as well as domestic and international rules and international rules and laws relating to their welfare, security, and treatment, has become an unignorable reality facing the world today. In different parts of the world, large groups of people are forced to leave their home countries because of war, human rights violations, underdevelopment, climate change and natural disasters in search of sustainable and safer places to start better lives.

A "stateless person" is someone who is not considered as a national by any state under the operation of its law. There are at least 10 million people who are denied nationality around the world today, according to estimates by the United Nations High Commissioner for Refugees (UNHCR).

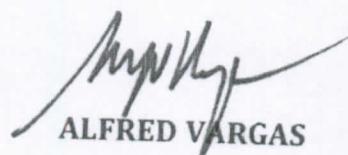
The Philippines is a party to the 1951 UN Convention to the Status of Refugees, the 1967 protocol, and the 1954 UN Convention relating to the Status of Stateless Persons. The Philippine Immigration Act of 1940 and the Administrative Code of the Philippines of 1987 empowered the Bureau of Immigration to administer and enforce "immigration, citizenship and alien admission and registration laws".

Under Executive Order No. 304, dated 31 August 1987, President Corazon Aquino authorized the Task Force on Refugee Assistance and Administration, and the Department of Foreign Affairs to respectively issue identity papers and travel documents to refugees and stateless persons staying in the Philippines. Under DOJ Circular No. 58, Series of 2012, as then Secretary of the Department of Justice, I set up the Refugees and Stateless Persons Protection Unit (RSPPU) in the Legal Staff of the DOJ.

However, the Philippines still does not have a law that sets the criteria and fixes the procedure in determining the status of refugees and stateless persons, and their eligibility for protection in our country. There is no central authority on all matters pertaining to such status determination. In our consultations with experts, current legal and administrative systems, we have concluded that there is a need to enact a law to establish that central authority and institutionalize the status determination procedure for refugees and stateless persons.

This bill seeks to strengthen and promote the rights of refugees and stateless persons in the Philippines; to create the Refugees and Stateless Persons Protection Board as the central authority in matters relating to the determination of status, and eligibility to avail of protection, as refugees and stateless persons; and to strengthen the government's cooperation and coordination with the United Nations High Commissioner for Refugees (UNHCR), the Commission on Human Rights (CHR) and other relevant institutions and agencies.

Thus, the approval of this bill is earnestly sought.



ALFRED VARGAS

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**PURPOSES**

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

**SECTION 1. *Short Title.*** – This Act shall be known as the “Refugees and Stateless Persons Protection Act of 2019”.

**SECTION 2. *Declaration of Principles and State Policy.***–

- (a) The State values the dignity of every human person and guarantees full respect for human rights, including those of refugees and stateless persons.
- (b) The Philippines adopts the generally accepted principles of international law as part of the law of the land, and adheres to a policy of peace, equality, justice, freedom, cooperation and amity with all nations.
- (c) The Philippines affirms its commitment as State Party to the 1951 Convention relating to the Status of Refugees (“1951 Refugee Convention”), and the 1954 Convention relating to the Status of Stateless Persons (“1954 UN Convention”).
- (d) The Philippines shall endeavour to establish and implement a system that shall provide for the admission, for humanitarian reasons, of qualified aliens and stateless persons, with due consideration to public and national interest.

- (e) The State shall, as far as possible, facilitate the assimilation and naturalization of refugees. It shall make every effort to expedite naturalization proceedings and to reduce, as far as possible, the charges and costs of such proceedings.
- (f) The State shall endeavour to protect refugees and stateless persons, pursuant to its obligations as State Party to the 1951 Refugee Convention, the 1967 Protocol, and the 1954 Convention.

**SECTION 3. Objectives.** - This Act seeks to fulfil the following objectives:

- (a) To recognize, strengthen and promote the rights of refugees and stateless persons in the Philippines.
- (b) To establish the Refugees and Stateless Persons Protection Board ("Protection Board") as the central authority in matters relating to the determination of status, and eligibility to avail of protection, as refugees and stateless persons;
- (c) To strengthen the Philippine government's cooperation with the United Nations High Commissioner for Refugees (UNHCR), and the facilitation of its duty of supervising the application of the provisions of the United Nations (UN) Conventions and the Protocol.

## CHAPTER II DEFINITION OF TERMS

**SECTION 4. Definition of Terms.**- For purpose of this Act, the following terms are hereby defined:

- (a) *1951 Refugee Convention* – refers to the 1951 UN Convention relating to the Status or Refugees;
- (b) *1967 Protocol* – refers to the 1967 Protocol relating to the Status of Refugees;
- (c) *1954 UN Convention* – refers to the 1954 Protocol relating to the Status of Stateless Persons;
- (d) *Application* – refers to the formal written to a refugee or stateless status, as the case may be, and initiates the status determination procedure;
- (e) *Applicant* – refers to a person who has submitted the Application, or in the case of a child or incapacitated person, the person on whose behalf the Application was submitted;
- (f) *Bureau* – refers to the bureau of Immigration;

- (g) *Children* - refers to persons below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition;
- (h) *Commissioner* – refers to the Commissioner of the Bureau of Immigration;
- (i) *Dependent* – includes persons with disabilities and persons at least 60 years old unable to fully take care of themselves, related within the fourth degree by consanguinity or affinity to the Applicant;
- (j) *DFA* – refers to the Department of Foreign Affairs;
- (k) *Exclusion* – refers to any of the circumstances warranting disqualification from recognition as a Refugee under the 1951 Refugee Convention, or a Stateless Person under the 1954 UN Convention;
- (l) *Family Members* – refer to the spouse and children who accompany the Applicant. The term also includes any person who is a dependent of the Applicant;
- (m) *Protection Board*- refers to the Refugees and Stateless Persons Protection Board;
- (n) *Protection Officer* - is a technical staff of the Secretariat of the Protection Board, who evaluates and process the claim of the Applicant to refugee or stateless and their eligibility for protection;
- (o) *Refugee* – is a person 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 or her nationality; and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of the country; or who, not having a nationality and being outside the country of his or her former habitual residence, is unable, or owing to such fear, is unwilling to return to it;
- (p) *Secretary* – refers to the Secretary of the Department of Justice (DOJ)
- (q) *Stateless Person* – is one who is not considered a national by any State under the operation of its law; and
- (r) *UNHCR* – refers to the United Nations High Commissioner for Refugees.

### CHAPTER III

#### STATE RESPONSIBILITY AND RIGHTS AND OBLIGATIONS OF REFUGEES AND STATELESS PERSONS

#### **SECTION 5. *State Responsibilities*** – The State has the following obligations:

- (a) The State shall not remove or expel a refugee, save on grounds of national security or public order, from the Philippines to a country where he or she would be at risk of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion; and

(b) The State shall not impose penalties on refugees who enter Philippine territory albeit illegally, when they come from a territory where their life or freedom was threatened, provide they present themselves without unreasonable delay to the authorities and show good cause for their illegal entry or presence. No undue restriction on movement or travel shall be imposed other than those which are necessary and such restrictions shall only be applied until their status in the country. Reasonable time shall be allowed for such refugees to obtain admission into another country if they so decide for such an option.

**SECTION 6. Rights of Refugees.** – The following rights of refugees under the 1951 Refugee Convention and the 1967 Protocol are hereby adopted:

1. The rights not to be returned (non-refoulement) to a country where he or she faces serious threats to his or her life or freedom;
2. The right to practice their religion and freedom as regards the religious education of their children;
3. The right of recognition as regards their personal status, which shall continue to be governed by the country of his or her domicile or residence. Rights relating to marriage and family relations shall be respected in the Philippines; provided said rights are recognized under the laws of the country of origin;
4. The right to acquire personal properties, and/or enter into lease agreements or contracts relating contracts relating to personal or real property;
5. The right for the recognition and respect of the property rights of refugees pertaining to inventions, design, models, trademarks, trade names and rights in literary, artistic, and scientific works;
6. The right to be members of non-political and non-profit making associations. Non-political shall include organizations working on human rights and humanitarian assistance;
7. The right of access to legal remedies in courts and quasi-judicial bodies, including legal assistance from law enforcement, administrative and constitutional bodies;
8. The right to engage in self-employment as well as wage employment, subject to labor restrictions to protect the national labor market;
9. The right to adequate standard of living, housing and medical needs, and be provided with subsistence support not less than what is extended to indigent Filipinos; and
10. The right of children to be enrolled in schools and when applicable, access to university scholarships in State institutions. Aside from the foregoing rights to be treated equally with other non-nationals, and in conformance with internationally recognized legal standards.

**SECTION 7. Rights of Stateless Persons.** – The following rights of stateless persons under the 1954 UN Convention are hereby adopted:

1. The right to be accorded the same treatment given to aliens generally;
2. The right not to be forcibly removed from Philippine territory;
3. The right to personal status to be governed by the law of his or her residence;
4. The right to property, including intellectual property rights, to be no less than that accorded to aliens generally;
5. The right to be treated at least favourably as aliens generally with regard to participation in wage-earning employment;
6. The right to be issued travel and identity documents within Philippine territory;
7. The right not to be expelled except on ground of national security or public order;
8. The right to be members of non-political and non-profit making associations. Non-political associations shall include organizations working on human rights;
9. The right of access to legal remedies in courts and quasi-judicial bodies, including legal assistance from law enforcement, administrative and constitutional bodies;
10. The right to adequate standard of living, food, housing and medical needs, and be provided with subsistence support not less than what is extended to indigent Filipinos; and
11. The right of children to quality education and lifelong learning for adults.

**SECTION 8. Obligations of Refugees and Stateless Persons.** – Refugees and stateless persons have the obligation to abide by the laws and regulations of the Republic of the Philippines, as well as the measures for the maintenance of public order and national security. Their manifest willingness to abide by this obligation shall be a non-waivable condition for their admission and continued stay within Philippine territory.

#### CHAPTER IV REFUGEES AND STATELESS PERSONS PROTECTION BOARD

**SECTION 9. Refugees and Stateless Persons Protection Board.** – There is hereby created the Refugees and Stateless Persons Protection Board ("Protection Board") as the central authority in matters relating to the determination of the status of refugees and stateless persons and their eligibility for protection. Accordingly, the Bureau of Immigration's principal responsibility "for the administration and enforcement of immigration, citizenship and alien admission and registration laws" under the Philippine Immigration Act of 1940 (Commonwealth Act No. 613, as amended) and the Administrative Code of the Philippines of 1987 (Executive Order No. 292), in so far as it relates to the determination of the status of refugees and stateless persons and their eligibility for

protection, is hereby modified and transferred to the Protection Board. Likewise, the Refugees and Stateless Persons Protection Unit (RSPPU) in the Legal Staff of the DOJ is hereby abolished, and its duties and responsibilities are transferred to, and assumed by the Protection Board.

**SECTION 10. *Composition of the Protection Board.*** – The Protection Board shall be composed of the Secretary of the DOJ (“Secretary”), or his/her representative with a rank of at least Assistant Secretary, as *ex officio* Chairperson; the Secretary of the DFA, or his/her representative with a rank of at least Assistant Secretary, as *ex officio* Vice Chair; the Commissioner of the Bureau of Immigration (“Commissioner”); the National Security Adviser, or the latter two (2) officials’ representatives with a rank of at least Director, as *ex officio* members; and four (4) other members to be appointed by the President for a non-renewable term of five (5) years including a representative from the civil society with a strong advocacy and experience in refugee crisis management; Provided, that there shall be appointed three (3) lawyers who shall at least have the qualification of a regional trial court judge; Provided further, that all four (4) appointees shall have relevant training and experience in either areas of human rights, immigration, social work, or refugee protection.

**SECTION 11. *Powers and Functions of the Protection Board.*** – The Board shall have the following powers and functions:

- (a) To prescribe rules and regulations as it may deem reasonably necessary to carry out the provisions of this Act;
- (b) To receive, examine and decide applications for status as refugee or stateless persons, resolve requests for provisional protective measure related to pending applications;
- (c) To set the guidelines for the operations of the Secretariat which shall be under the control and direct supervision of the Board;
- (d) To promote programs related to the protection of refugees and stateless persons;
- (e) To closely coordinate and cooperate with the UNHCR, particularly by facilitating the latter’s duty of supervising the application of the provisions of the 1951 Refugee Convention and the 1954 UN Convention.
- (f) To make a reports to the competent organs of the UN, including the UNHCR, in the appropriate form with information and statistical data requested concerning:
  - i The condition of refugees and stateless persons;
  - ii The implementation of the 1951 Refugee Convention and the 1954 UN Convention; and
  - iii Laws, regulations and decrees which are, or may hereafter, in force relating to refugees and stateless persons.
- (g) To perform such other functions on matters relating to its mandate, as may be determined by the President.

**SECTION 12. Relationship with the Department of Justice.** – The Protection Board shall be attached to the DOJ for coordination of its policies and programs.

**SECTION 13. Secretariat** – The protection Board shall be assisted by a Secretariat, which may come from the existing personnel of the RSPPU in the Legal Staff of the DOJ, without prejudice to the hiring of additional personnel as determined by the Board.

The following shall be the functions of the Secretariat:

- (a) Receive, evaluate, and process applications;
- (b) Recommend to the Protection Board the approval or disapproval of application;
- (c) Assist the Protection Board in technical functions; and
- (d) Perform other duties that may be assigned by the Board.

The Chairperson of the Protection Board shall appoint a Board Secretary, who shall head the Secretariat. There shall be such number of technical and administrative staff, including legal officers and paralegals, as determined by the Protection Board to accommodate the volume of required work.

**SECTION 14. Operating Budget** – The initial operating budget of the Protection Board shall be Fifty million pesos (₱ 50,000,000). Thereafter, such sums as may be necessary for its continued operation shall be included in the annual General Appropriation Act.

## CHAPTER V PROCEDURE

**SECTION 15. Application.** – The Application may be filed directly with the Protection Board, 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 concerned immigration officer shall transmit the Application to the Protection Board within (10) days from the date of receipt thereof. To be submitted with the Application are the Applicant's travel document, identification document including proof of relationship to any accompanying family members, and such other documents to support the claim to refugee or stateless status, where available.

**SECTION 16. Suspensive Effect of the Application.** – The Protection Board, through the Board Secretary, shall notify the Commissioner of the receipt of the Application. Following receipt of the notice, any proceeding for the deportation or

exclusion of the Applicant and/or his or her dependents shall be suspended. If the Applicant and/or his or her dependents is/are in detention, the Secretary, subject to the conditions that he or she may impose may direct the Commissioner to order his or her and/or their release. The Commissioner shall furnish the Protection Board a copy of the Release Order.

**SECTION 17. *Priority of Refugee Status Determination.*** – Where in the Application for recognition as a stateless person or in the processing thereof, a refugee claim appears to exist, the stateless status determination shall, with the consent of the Applicant, be suspended and the Application shall be considered first to refugee status determination. If the claim to refugees status is denied with finality, the stateless status determination shall recommence automatically.

**SECTION 18. *Burden of Proof.*** - The responsibility of proving a claim to refugee or stateless status is a shared and collaborative burden between the Applicant and the Protection Officer assigned by the Secretariat to evaluate, investigate and process the Application. The Applicant has the obligation to provide accurate, full and credible account or proof in support of his/her claim, and submit all relevant evidence reasonably available.

A finding that the Applicant is a refugee is warranted where he or she has met the definition of the refugee under this Act. The finding that the Applicant is stateless is warranted where it is established, to a reasonable degree, that he or she is not considered a national by any State under the operation of its laws. This involves the examination of the nationality laws of the country with which the Applicant has a relevant link (by birth, descent, marriage or habitual residence).

The UNHCR Guidebook for Status Determination may be used for guidance by the Board.

**SECTION 19. *Basic Principles.*** – The evaluation of an Application shall be governed by the following basic principles:

- (a) An Applicant shall not be deprived of refugee or stateless status, and shall not be discriminated in the application of the Conventions, on account of race, religion, political opinion, membership in a particular social group, or country of origin;
- (b) An Applicant and/or his or her dependents during the pendency of his or her Application, or a refugee shall not be expelled or returned to a country where there are valid reasons to believe that his or her life or freedom would be threatened on account of his or her race, religion, nationality, membership in a particular social group or political opinion;

- (c) An Applicant for refugee status and/or his or her dependents shall not be punished on account of his/her illegal entry or presence in the country, provided he or she presents himself without delay to the authorities and/or shows good cause for his or her illegal entry or presence;
- (d) As much as possible, the approval of an Application should consider the preservation and promotion of family unity; and
- (e) An Applicant shall not be detained on account of being stateless or refugee.

**SECTION 20. *Rights of an Applicant.*** – The Applicant has the right to legal counsel. He or she is entitled to have the services of an interpreter, if necessary, at all stages of the refugee status determination and for the purposes of the preparation of the written application and for the interview. He or she shall not be denied access to the UNHCR.

If an Applicant is a person with disability, he/she shall be provided the necessary assistance to present his/her case to the Board, including but not limited to medical support and sign language interpreters.

**SECTION 21. *Interview.*** – The Protection Officer, as assigned by the Secretariat, shall interview the Applicant to receive evidence, oral and/or documentary, to substantiate the claim. The Applicant has the right to have the interview conducted in a manner that shall ensure confidentiality.

**SECTION 22. *Decision.*** – A written decision on the Application shall be rendered by the Protection Board within sixty (60) days from submission by the Board Secretary of the report and recommendation concerning an Applicant.

The Protection Board, through the Board Secretary, shall notify the Applicant of the decision in writing, recognizing refugee or stateless status. In case the Applicant is disapproved, the decision shall state the reasons supporting the same, a copy of which shall be furnished the Applicant.

The decision shall include a finding that the person is not excluded under Section 32 of this Act. If the Application is approved, the decision shall expressly state that the grant of status as a refugee or stateless person shall be subject to the non-waivable condition that he/she shall comply with the obligations of such protected persons pursuant to Section 8 of this Act.

**SECTION 23. Request for Reconsideration.** - In case the Applicant is disapproved, the Applicant may request reconsideration of the decision. Only one (1) request shall be allowed to be filed within thirty (30) days from receipt of the decision. The Protection Board shall issue a written resolution on the reconsideration within a reasonable time.

**SECTION 24. Finally of Decision.** - Where the Application is denied with finality, the Applicant shall be afforded sufficient time to leave the country unless he or she holds another immigration status or the Commissioner has authorized his or her continued sta. Any deportation proceeding that has been suspended pursuant to Section 16 thereof may be reactivated.

**SECTION 25. Effects of Recognition.** - Refugees and stateless persons may enjoy and exercise such rights and privileges accorded by the UN Conventions, subject to Philippine laws and regulations. The benefits of recognition, as appropriate, shall automatically inure to the accompanying family members duly included in the Application, except those excluded under Section 32 of this Act.

The Protection Board shall notify the Commissioners of its decision.

**SECTION 26. Non-Suspension of the Stateless Status Determination.** - In the case of Application for stateless status, this procedure shall proceed notwithstanding the Applicant seeking acquisition or reacquisition of nationality, resettlement in another country, readmission to former country of residence, or is subject deportation or extradition.

**SECTION 27. Termination of the Procedure.** - The procedure shall terminate on any of the following grounds:

- (a) Withdrawal of the Application;
- (b) Abandonment of the Application; or
- (c) Death of the Applicant.

In case of death of the Applicant, the Application shall survive in respect to the accompanying family members who are included in the Application.

**SECTION 28. Applicants Requiring Assistance.** - The Protection Board, through the Secretariat, shall ensure that unaccompanied minors, persons with disabilities, and other persons unable to fully take care of themselves are referred to the appropriate government agencies and/or non-government organizations for their care, welfare, and access to legal services, including the filling of the appropriate application.

**SECTION 29. Provisional Measures.** – Pending decision or finally of judgement in the Application, an Applicant, through the Protection Officer and the Board Secretary, may apply with the Protection Board, and may be granted such provisional measures, which are reasonably necessary to protect the personal security, liberty and property of the Applicant. In the enforcement of such provisional measures, the Protection Board may enlist the assistance of concerned government agencies and the UNHCR.

This provision is without prejudice to the continued application of Executive Order No. 304 dated 31 august 1987 authorizing the Task Force on Refugee Assistance and Administration, and the DFA to respectively issue identity papers and travel documents to refugees and stateless persons staying in the Philippines.

**SECTION 30. Coordination with the Commission on Human Rights (CHR) and the UNHCR.** – The Protection Board may seek the CHR and the UNHCR for their expertise, technical guidance and assistance. It shall inform the CHR and the UNHCR about relevant policies and programs pursued by the Philippine Government toward ensuring the implementation and compliance with the UN Conventions and the provisions of this Act.

**SECTION 31. Confidentiality of Information.** – The information provided by an Applicant shall be confidential and may only be used to make a determination of the veracity of the factual statements in the application. The information may, however, be made available, upon request, to the UNHCR and the National Security Council.

## CHAPTER VI EXCLUSION

**SECTION 32. Persons Excluded from the 1951 Refugee Convention and the 1954 UN Convention.** – The benefits received under this Act shall not apply to those persons excluded from the application of 1951 Refugee Convention and the 1954 U.N. Convention, namely:

- (a) Those already receiving from organs or agencies of the UN other than the UNHCR protection or assistance, so long as they are receiving such protection or assistance;
- (b) Those already recognized by the competent authorities of the country in which they have taken residence as having the rights and obligations which are attached to the possession of the nationality of that country; and,
- (c) Those with whom serious reasons exist that:

- i They have committed a crime against peace, a war crime, a crime against humanity, or acts or terrorism, as defined in the international instruments drawn up to make provisions in respect of such crimes and Philippine laws, including Republic Act No. 9372 or the "Human Security Act of 2007";
- ii They have committed a serious non-political crime outside the Philippines prior to their admission to the Philippines; and
- iii They have been found guilty of acts contrary to the purposes and principles of the UN.