

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

SENATE
Office of the Secretary

SENATE
S. No. 379

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Introduced by SENATOR LEILA M. DE LIMA

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

EXPLANATORY NOTE

Refugees, as well as domestic 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 disasters¹ in search of sustainable and safer places to start better lives.

Throughout the history of managing refugees, one such place that has played a part in providing havens to our distressed neighbors is the Philippines. For almost a century now, we have hosted several waves of refugees, starting with the "White Russians" who fled Russia during the Bolshevik Revolution, followed by other groups that included the Jews during World War II, the Chinese in the aftermath of the Communist revolution, and the Vietnamese "boat people" after South Vietnam was taken over by North Vietnam. After initially landing in the Philippines, many among them moved on and relocated to other countries, while others have opted to stay and live in the Philippines. In all instances, we have always provided them a new

¹ Ki-moon, B. (9 May 2016). Refugees and Migrants: *A Crisis of Solidarity*. Retrieved from: <https://unu.edu/publications/articles/refugees-and-migrants-a-crisis-of-solidarity.html>

home, ever true to our nature as a warm and hospitable people² and acknowledging the fact that refugees are the victims and not the creators of the crisis. Under different administrations, the Philippine government has passed and implemented policies addressing some of the challenges posed by the global refugee phenomenon and that of a related class of distressed people, the “stateless persons”.

The Philippines is a party to the 1951 UN Convention relating 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 DOJ³.

Despite these, 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, academic institutions, and human rights organizations, and in our own study of the 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 aims to fill that gap. It has a four-fold objective, thus:

- (a) To strengthen and promote the rights of refugees and stateless persons in the Philippines;

² Peñamante, L. (7 June 2017). *Nine Waves of Refugees in the Philippines*. Retrieved from: <https://www.unhcr.org/ph/11886-9wavesrefugees.html>

³ Cañero, Z. (20 June 2015). *TIMELINE: Philippine laws and policies on refugees*. Retrieved from: <https://www.rappler.com/newsbreak/iq/96929-timeline-philippine-law-policies-refugees>

- (b) To create 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 prescribe a fair and efficient procedure for status determination and eligibility for protection as a refugee or stateless person; and
- (d) 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.

In the past, we have promulgated laws pursuant to our treaty commitments and undertakings. We passed Republic Act No. 9745, or the “Anti-Torture Act of 2009”, mindful of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT). We enacted Republic No. 10353, or the “Anti-Enforced or Involuntary Disappearance Act of 2012”, cognizant of the International Covenant on Civil and Political Rights (ICCPR). We legislated Republic Act No. 9851 or the “Philippine Act on Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity”, pursuant to the Geneva Convention and the Rome Statute.

In light of all these, it is high time that we pass a national law for the full protection and promotion of refugees and stateless persons in the Philippines, as enshrined in the 1951 UN Convention relating to the Status of Refugees, and the 1954 UN Convention relating to the Status of Stateless Persons. After all, when the 1987 Constitution guarantees that the “[t]he State values the dignity of every human person and guarantees full respect for human rights...” that same assurance of protection should likewise be available to refugees and stateless persons.

Early approval of this measure is earnestly sought.



LEILA M. DE LIMA

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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**

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

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

3 Sec. 2. *Declaration of Principles and State Policy.* –

4 (a) The State values the dignity of every human person and guarantees full
5 respect for human rights, including those of refugees and stateless
6 persons.

7 (b) The Philippines adopts the generally accepted principles of
8 international law as part of the law of the land, and adheres to a policy
9 of peace, equality, justice, freedom, cooperation and amity with all
10 nations.

11 (c) The Philippines affirms its commitment as State Party to the 1951
12 Convention relating to the Status of Refugees (“1951 Refugee
13 Convention”), the 1967 Protocol relating to the Status of Refugees
14 (“1967 Protocol”), and the 1954 Convention relating to the Status of
15 Stateless Persons (“1954 UN Convention”).

16 (d) The Philippines shall endeavor to establish and implement a system
17 that shall provide for the admission, for humanitarian reasons, of

1 qualified aliens and stateless persons, with due consideration to public
2 and national interest.

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

10 Sec. 3. *Objectives*. – This Act seeks to fulfill the following objectives:

- 11 (a) To recognize, strengthen and promote the rights of refugees and
12 stateless persons in the Philippines;
13 (b) To establish the Refugees and Stateless Persons Protection Board
14 (“Protection Board”) as the central authority in matters relating to the
15 determination of status, and eligibility to avail of protection, as refugees
16 and stateless persons;
17 (c) To prescribe the procedure and establish a set of criteria for the
18 determination whether a person is a refugee or stateless person; and
19 (d) To strengthen the Philippine government’s cooperation with the United
20 Nations High Commissioner for Refugees (UNHCR), and the
21 facilitation of its duty of supervising the application of the provisions of
22 the United Nations (UN) Conventions and the Protocol.

23 **CHAPTER II**
24 **DEFINITION OF TERMS**

25 Sec. 4. *Definition of Terms*. – For purposes of this Act, the following terms are
26 hereby defined:

- 27 (a) *1951 Refugee Convention* – refers to the 1951 UN Convention relating
28 to the Status of Refugees;
29 (b) *1967 Protocol* – refers to the 1967 Protocol relating to the Status of
30 Refugees;
31 (c) *1954 UN Convention* – refers to the 1954 Protocol relating to the Status
32 of Stateless Persons;

- (d) *Application* – refers to the formal written claim 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* – refer 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 processes the claim of the Applicant to refugee or stateless status 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 that country; or who, not

1 having a nationality and being outside the country of his or her former
2 habitual residence, is unable, or owing to such fear, is unwilling to
3 return to it;

4 (p) *Secretary* – refers to the Secretary of the Department of Justice (DOJ);

5 (q) *Stateless Person* – is one who is not considered a national by any State
6 under the operation of its law; and

7 (r) *UNHCR* – refers to the United Nations High Commissioner for
8 Refugees.

9 **CHAPTER III**

10 **STATE RESPONSIBILITY AND RIGHTS AND OBLIGATIONS OF** 11 **REFUGEES AND STATELESS PERSONS**

12 Sec. 5. *State Responsibilities.* – The State has the following obligations:

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

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

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

- 1 1. The right not to be returned (non-refoulement) to a country where
- 2 he or she faces serious threats to his or her life or freedom;
- 3 2. The right to practice their religion and freedom as regards the
- 4 religious education of their children;
- 5 3. The right of recognition as regards their personal status, which
- 6 shall continue to be governed by the country of his or her domicile
- 7 or residence. Rights relating to marriage and family relations shall
- 8 be respected in the Philippines; provided said rights are recognized
- 9 under the laws of the country of origin;
- 10 4. The right to acquire personal properties, and/or enter into lease
- 11 agreements or contracts relating to personal or real property;
- 12 5. The right for the recognition and respect of the property rights of
- 13 refugees pertaining to inventions, designs, models, trademarks,
- 14 trade names and rights in literary, artistic, and scientific works;
- 15 6. The right to be members of non-political and non-profit making
- 16 associations. Non-political shall include organizations working on
- 17 human rights and humanitarian assistance;
- 18 7. The right of access to legal remedies in courts and quasi-judicial
- 19 bodies, including legal assistance from law enforcement,
- 20 administrative and constitutional bodies;
- 21 8. The right to engage in self-employment as well as wage-
- 22 employment, subject to labor restrictions to protect the national
- 23 labor market;
- 24 9. The right to adequate standard of living, housing and medical
- 25 needs, and be provided with subsistence support not less than
- 26 what is extended to indigent Filipinos; and
- 27 10. The right of children to be enrolled in schools and when applicable,
- 28 access to university scholarships in State institutions. Aside from
- 29 the foregoing rights under the 1951 Refugee Convention, refugees
- 30 have the right to be treated equally with other non-nationals, and
- 31 in conformance with internationally recognized legal standards.

32 *Sec. 7. Rights of Stateless Persons.* – The following rights of stateless persons
33 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 domicile ahead of the law or 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 favorably 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.

Sec. 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

REFUGEE AND STATELESS PERSONS PROTECTION BOARD

1 Sec. 9. *Refugees and Stateless Persons Protection Board.* – There is hereby
2 created the Refugees and Stateless Persons Protection Board (“Protection Board”) as
3 the central authority in matters relating to the determination of the status of refugees
4 and stateless persons and their eligibility for protection. Accordingly, the Bureau of
5 Immigration’s principal responsibility “for the administration and enforcement of
6 immigration, citizenship and alien admission and registration laws” under the
7 Philippine Immigration Act of 1940 (Commonwealth Act No. 613, as amended) and
8 the Administrative Code of the Philippines of 1987 (Executive Order No. 292), in so
9 far as it relates to the determination of the status of refugees and stateless persons
10 and their eligibility for protection, is hereby modified and transferred to the
11 Protection Board. Likewise, the Refugees and Stateless Persons Protection Unit
12 (RSPPU) in the Legal Staff of the DOJ is hereby abolished, and its duties and
13 responsibilities are transferred to, and assumed by the Protection Board.

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

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

29 (a) To prescribe rules and regulations as it may deem reasonably necessary
30 to carry out the provisions of this Act;

- (b) To receive, examine and decide applications for status as refugee or stateless persons, and resolve requests for provisional protective measures 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 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.

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

Sec. 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 applications;
 - (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.

6 Sec. 14. *Operating Budget.* – The initial operating budget of the Protection
7 Board shall be Fifty million pesos (Php 50,000,000). Thereafter, such sums as may
8 be necessary for its continued operation shall be included in the annual General
9 Appropriations Act.

CHAPTER V

PROCEDURE

12 Sec. 15. *Application.* – The Application may be filed directly with the
13 Protection Board, or in the central office or any field office of the Bureau in the port
14 of entry/admission of the Applicant. In the latter case, the Commissioner or the
15 concerned immigration officer shall transmit the Application to the Protection Board
16 within ten (10) days from the date of receipt thereof. To be submitted with the
17 Application are the Applicant's travel document, identification document including
18 proof of relationship to any accompanying family members, and such other
19 documents to support the claim to refugee or stateless status, where available.

20 Sec. 16. *Suspensive Effect of the Application.* – The Protection Board, through
21 the Board Secretary, shall notify the Commissioner of the receipt of the Application.
22 Following receipt of the notice, any proceeding for the deportation or exclusion of the
23 Applicant and/or his or her dependents shall be suspended. If the Applicant and/or
24 his or her dependents is/are in detention, the Secretary, subject to the conditions
25 that he or she may impose, may direct the Commissioner to order his or her and/or
26 their release. The Commissioner shall furnish the Protection Board a copy of the
27 Release Order.

28 Sec. 17. *Priority of Refugee Status Determination.* – Where in the Application
29 for recognition as a stateless person or in the processing thereof, a refugee claim
30 appears to exist, the stateless status determination shall, with the consent of the

1 Applicant, be suspended and the Application shall be considered first for refugee
2 status determination. If the claim to refugee status is denied with finality, the
3 stateless status determination shall recommence automatically.

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

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

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

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

- 20 (a) An Applicant shall not be deprived of refugee or stateless status, and
21 shall not be discriminated in the application of the Conventions, on
22 account of race, religion, political opinion, membership in a
23 particular social group, or country of origin;
- 24 (b) An Applicant and/or his or her dependents during the pendency of
25 his or her Application, or a refugee shall not be expelled or returned
26 to a country where there are valid reasons to believe that his or her
27 life or freedom would be threatened on account of his or her race,
28 religion, nationality, membership in a particular social group or
29 political opinion;
- 30 (c) An Applicant for refugee status and/or his or her dependents shall
31 not be punished on account of his/her illegal entry or presence in

1 the country, provided he or she presents himself or herself without
2 delay to the authorities and/or shows good cause for his or her
3 illegal entry or presence;
4 (d) As much as possible, the approval of an Application should consider
5 the preservation and promotion of family unity; and
6 (e) An Applicant shall not be detained on account of being stateless or
7 refugee.

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

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

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

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

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

27 The decision shall include a finding that the person is not excluded under
28 Section 32 of this Act. If the Application is approved, the decision shall expressly
29 state that the grant of status as a refugee or stateless person shall be subject to the

1 non-waivable condition that he/she shall comply with the obligations of such
2 protected persons pursuant to Section 8 of this Act.

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

8 *Sec. 24. Finality of Decision.* – Where the Application is denied with finality,
9 the Applicant shall be afforded sufficient time to leave the country unless he or she
10 holds another immigration status or the Commissioner has authorized his or her
11 continued stay. Any deportation proceeding that has been suspended pursuant to
12 Section 16 hereof may be reactivated.

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

18 The Protection Board shall notify the Commissioner of its decision.

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

24 *Sec. 27. Termination of the Procedure.* – The procedure shall terminate on any
25 of the following grounds:

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

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

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

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

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

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

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

EXCLUSION

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

- 6 (a) Those already receiving from organs or agencies of the UN other than the
7 UNHCR protection or assistance, so long as they are receiving such
8 protection or assistance;

9 (b) Those already recognized by the competent authorities of the country in
10 which they have taken residence as having the rights and obligations
11 which are attached to the possession of the nationality of that country; and,

12 (c) Those with whom serious reasons exist that:

13 i. They have committed a crime against peace, a war crime, a crime
14 against humanity, or acts of terrorism, as defined in the
15 international instruments drawn up to make provisions in
16 respect of such crimes and Philippine laws, including Republic
17 Act No. 9372 or the "Human Security Act of 2007";

18 ii. They have committed a serious non-political crime outside the
19 Philippines prior to their admission to the Philippines; and

20 iii. They have been found guilty of acts contrary to the purposes and
21 principles of the UN.

CHAPTER VII

JUDICIAL APPEAL

24 Sec. 33. *Judicial Review.* – In accordance with the Rules of Court, under Rule
25 43, the Applicant may seek judicial review of the decision or resolution of the
26 Protection Board within the period prescribed.

27 Sec. 34. *Finality of the Decision Denying Recognition.* – The decision denying
28 recognition is deemed final where the Applicant did not request reconsideration of
29 the decision denying recognition or seek judicial review.

CHAPTER VIII

1 **CANCELLATION, REVOCATION AND CESSATION OF REFUGEE**
2 **STATUS**

3 *Sec. 35. Initiating Proceedings for Cancellation, Revocation and Cessation of*
4 *Refugee Status.* – The Board may, *motu proprio*, or upon a verified complaint, initiate
5 proceedings for cancellation, revocation or cessation of refugee status.

6 *Sec. 36. Cancellation of Refugee Status.* – The refugee status shall be cancelled
7 if:

- 8 (a) The recognition was granted as a result of intentional misrepresentation or
9 concealment by the Applicant or a third party of facts that were material to
10 the determination of his/her refugee status; or
- 11 (b) There is new evidence that shows that the Applicant ought not to have
12 been recognized as a Refugee.

13 *Sec. 37. Revocation of Refugee Status.* – The refugee status shall be revoked
14 where there has been a finding that the person granted refugee status is excluded
15 under Section 32 of this Act.

16 *Sec. 38. Cessation of Refugee Status.* – The refugee status shall cease if a
17 Refugee:

- 18 (a) Voluntarily re-availed himself or herself of the protection of the
19 country of his or her nationality;
- 20 (b) Voluntarily re-acquired his or her lost nationality;
- 21 (c) Voluntarily acquired a new nationality and enjoys the protection of
22 the country of his or her nationality;
- 23 (d) Voluntarily re-established himself or herself in the country he or she
24 left, or in a country where he or she remained owing to fear of
25 persecution;
- 26 (e) Enjoys the protection from the country of his or her nationality,
27 because the reasons in connection with which he or she was granted
28 refugee status have ceased to exist; Provided, that this paragraph
29 shall not apply to a refugee who is able to invoke compelling reasons

arising out of previous persecution for refusing to avail himself or herself of the protection of the country of his or her nationality; or

(f) Not having a nationality, returned to his or her country of habitual residence due to changed circumstance; Provided, that this paragraph shall not apply to a refugee who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself or herself of the protection of the country of his or her former habitual residence.

9 Sec. 39 *Re-instatement of Stateless Status Determination.* – If the Application
10 was suspended under Section 16 and the refugee status has been cancelled or
11 revoked or has ceased for any of the foregoing grounds, except under subsections (b)
12 and (c) of Section 38 herein, the procedure to determine stateless status shall then
13 proceed.

14 Sec. 40. *Cancellation of Stateless Status.* – The stateless status shall be
15 cancelled where the stateless person has obtained a nationality or reacquires his or
16 her former nationality.

17 *Sec. 41. Revocation of Stateless Status.* – The stateless status shall be revoked
18 where:

- 19 (a) Recognition was granted on mistake of fact or law;

20 (b) Recognition was obtained by means of fraud or intentional

21 misrepresentation; or

22 (c) New evidence indicates that the stateless person ought not to have been

23 recognized as such.

24 Sec. 42. *Reconsideration of Decision and Judicial Review.* – A refugee or
25 stateless person may seek reconsideration and judicial review of the cancellation,
26 revocation or cessation of the status as provided herein.

27 Sec. 43. *Notification to the Bureau.* – The Protection Board shall notify the
28 Bureau when the cancellation, revocation or cessation of the refugee or stateless
29 status has become final.

REMOVAL

Sec. 44. Removal of a Refugee or a Stateless Person. – A Refugee or a Stateless Person may be removed from Philippine territory:

- (a) When he or she has been convicted with finality of a serious offense and is considered a danger to the community after having served his or her sentence; or
 - (b) On grounds of national security or public order. The expulsion shall only be in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security require, the refugee or stateless person shall be allowed to submit evidence to clear himself or herself, and to appeal and be represented by legal counsel for that purpose before a competent authority. The refugee or stateless person subject of removal shall be allowed a reasonable period within which to seek admission into another country.

CHAPTER X

FINAL PROVISIONS

Sec. 45. Implementation. – The Protection Board shall be appointed within three (3) months from the effectivity of this Act and shall convene one (1) month thereafter. The Protection Board shall promulgate and issue the necessary rules and regulations within three (3) months after its constitution.

Sec. 46. Separability Clause. – Should any provision of this Act be declared invalid, the remaining provisions shall continue to be valid and subsisting.

Sec. 47. Repealing Clause. – All laws, presidential decrees and issuances, executive orders, rules and regulations or part thereof, which are inconsistent with this Act, are hereby repealed or modified accordingly.

Sec. 48. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,