



Republika ng Pilipinas
KAGAWARAN NG KATARUNGAN
Department of Justice
Manila

VNA--DC-_____

DEPARTMENT CIRCULAR NO.

041

SUBJECT : GRANTING VISA UPON ARRIVAL TO NATIONALS OF PEOPLE'S REPUBLIC OF CHINA (PROC NATIONALS) ¹

DATE : AUG 15 2017

WHEREAS, the Bureau of Immigration (BI) is principally responsible for the administration and enforcement of immigration, citizenship and alien admission and registration laws in accordance with the provisions of Commonwealth Act No. 613 (CA 613), otherwise known as the "Philippine Immigration Act of 1940", as amended;

WHEREAS, the Secretary of Justice or his duly authorized representative is authorized by the President under Administrative Order No. 142, series of 1994 to act on immigration matters, including waiver of visas and admission of aliens to the Philippines and to implement laws, rules and regulations related thereto, through the BI;

WHEREAS, in line with the government's thrust to increase tourism and foreign investment, and to better facilitate the expeditious entry and admission of PROC Nationals into the country through the visa upon arrival (VUA) facility, there is a need to enhance BI procedures on the matter.

WHEREFORE, pursuant to the mandate of the BI under CA 613 and other relevant laws, the following guidelines on the issuance of Temporary Visitor's Visa Upon Arrival (TV-VUA) to PROC nationals are hereby prescribed:

Section 1. Scope and Coverage—

- a. This Circular governs the issuance of TV-VUA to the PROC nationals:
 1. Foreign Investors and businessmen duly endorsed by the Board of Investments (BOI), Philippine Retirement Authority (PRA), Philippine Chamber of Commerce and Industry (PCCI), local business councils, or local as well as foreign chambers of commerce and industry;
 2. Athletes and delegates to sports competitions, conventions, or exhibitions;

¹ Including Chinese nationals from Taiwan, as well as its Special Administrative Regions Hong Kong and Macau.

3. Delegates and participants to, resource speaker in, organizers and sponsors of international conventions/symposia/conference;
 4. Temporary visitors who is a member of a tour group organized by tour operators accredited by the BI and Department of Tourism (DoT); and
 5. Such other PROC nationals, who in the discretion of the Commissioner, subject to the prior approval of the Secretary of Justice, may be entitled to the grant of TV-VUA under this Department Circular.
- b. Admission under TV-VUA of PROC Nationals shall be allowed at the following major ports:

Airports:

1. Ninoy Aquino International Airport (NAIA)
2. Clark International Airport (CIA)
3. Mactan Cebu International Airport (MCIA)
4. Kalibo International Airport (KIA)

Seaports:

1. Manila
2. Puerto Princesa, Palawan
3. Subic
4. Laoag
5. Caticlan

Section 2. Eligibility—PROC nationals coming into the country as temporary visitors may apply for Sec 9(a) TV-VUA at the BI for an initial authorized stay of thirty (30) days, provided that:

- a. They are qualified PROC nationals as defined in Section 1;
- b. They are holders of a valid passport/travel document and return ticket;
- c. They are not in the BI's Blacklist, excludable under Section 29 of CA 613, as amended, or subject of an existing Interpol Red Notice duly issued by the Interpol or other Intelligence Advisory received by the Intelligence Division; and
- d. They shall pay the prescribed fees stated in Section 3 of this Department Circular.

Section 3. Payment of Fees—

- a. The following fees are prescribed:

Particulars	Nature of Fees	Amount
Individual Travelers	VUA Fee	US\$ 25.00 each
	Legal Research Fee	Php 10.00 each

Tour Group consisting of 3 to 19 members	VUA Fee	US\$ 25.00 each
	Legal Research Fee	Php 10.00 each
Tour Group consisting of 20 or more members	VUA Fee	US\$ 15.00 each
	Legal Research Fee	Php 10.00 each

- b. VUA payment shall be made to a BI authorized collecting officer at the BI-Office during regular hours.

Section 4. Procedures—

- a. At least ten (10) working days before the arrival of the qualified PROC nationals as defined in Section 1, the BI and/or DoT-accredited tour operator shall submit to the BI the request for the issuance of Sec 9(a) VUA containing the following details:
1. Full name of the PROC national;
 2. Date of birth;
 3. Clear photocopy of the biographical page of the applicant's valid passport;
 4. Flight details of each tour group member or individual traveler;
 5. Affidavit of Undertaking.²
- b. Upon review of the request, the BI shall issue an Order signed by the Commissioner or his duly authorized representative containing the names and personal details of the tour group member and/or individual traveler with TV-VUA as well as their flight details.
- c. Upon arrival at the port of entry, the tour operator and/or tour group members/individual shall present copies of the Order and proof of payment to the Primary Inspector.

Section 5. Duties of the Port Operations Division (POD), Special Operations Communications Unit (SOCU) –

- a. The POD-SOCU shall cause the review, assessment and preparation of Order/s on all requests for the issuance of TV-VUA to be submitted to the Office of the Commissioner for approval.
- b. The POD shall submit a quarterly report of all implemented VUA Orders to the Commissioner for monitoring and reference.
- c. In the implementation of the VUA Order, the following immigration arrival/departure formalities shall be observed:

² The Affidavit of Undertaking is a sworn statement executed by the President or General Manager of the DOT and/or BI-accredited Philippine tour operator stating that the said tour operator shall assume all liabilities for administrative fines and such other sanctions as may be imposed by BI for violation of any immigration law, rules and regulation, including costs for the repatriation of any tour group member or individual traveler who fails to abide by BI existing rules and regulation.

1. Arriving PROC nationals with VUA Order shall be admitted as VUA.
2. The Primary Inspector shall process and encode arriving passengers in the Border Control Information System (BCIS) under admission type "VUA" with an authorized stay of thirty (30) days and include as remarks: "Visa upon Arrival Docket No.____." Further, the Primary Inspector shall highlight the name of the passport holder in the Order and affix their BI Border Stamp (BIBS) in the Order presented.
3. The Duty Immigration Supervisor shall ensure that VUA Order conditions are met and official receipts are paid.
4. In all cases, the primary inspector shall conduct biometrics capturing.

Section 6. Duties of the Management Information Systems Division (MISD)— The MISD shall include in the BCIS an admission type "VUA" with a valid authorized stay of 30 days. Further, the MISD shall submit a quarterly system generated report to the Commissioner of TV-VUA issuances, for monitoring and reference

Section 7. Exclusion— Notwithstanding the validity of an issued TV-VUA Order, a holder may be excluded from the Philippines under any of the following grounds:

- a. If there exist other ground/s to deny the entry of a PROC national pursuant to Section 29 of CA 613, as amended.³
- b. A member of a tour organized by a BI and/or DoT-accredited tour operator who arrives earlier/later and/or in a different flight and date as specified in the VUA Order shall be automatically excluded as improperly documented under Section 29(a)(17) of CA 613 in relation to this Department Circular.
- c. Non-payment of VUA fees prior to the subject's arrival to the Philippines.

Section 8. Sanctions— The following sanctions may be imposed by the BI for any violation of the terms and conditions as stated in the application, grant/issuance and/or implementation of the VUA Order under this Department Circular, to wit:

- a. Exclusion or deportation of any group tour member or individual traveler who fails to comply with the entry and exit requirements or the terms and conditions of their stay in the Philippines, without prejudice to the imposition of other applicable penalties under Philippine laws.
- b. Inclusion in the Blacklist Order of a BI and/or DoT-accredited tour operator.

³ Nationals who are subject of deportation/blacklist orders issued by the Department of Justice and BI shall not be admitted to the Philippines.

- c. Imposition of administrative penalties against a BI and/or DoT-accredited tour operator for failure to comply with and for violating the terms and conditions of their Affidavit of Undertaking.
- d. Recommend to the Secretary of Justice, thru the Undersecretary in charge, appropriate sanctions against a BI and/or DoT-accredited tour operator who commits any violation of immigration laws, rules and regulations or any provision of this Department Circular;

Section 9. Limitations –

- a. PROC nationals who were granted VUA shall not remain in the Philippines beyond the period of six (6) months. In the event of exceeding said the said period, the PROC national shall be subject to assessment and collection of the proper immigration fees, TVV ACR I-Card and other applicable fines, fees, and penalties;
- b. While in the Philippines, PROC nationals who were granted VUA under this Department Circular shall not be allowed to change their status to any other non-immigrant status without first departing from the Philippines;
- c. Except in cases of medical emergencies, all members of a tour group under a VUA order must arrive to and depart from the Philippines in the same flight as scheduled.
- d. The BI and/or DoT-accredited tour operator shall be liable for administrative fines and such other sanctions as may be imposed by the BI for violation of any immigration law, rule, or regulation. To further ensure compliance with the VUA Order, a BI and/or DoT-accredited tour operator may be required to post a bond in an amount deemed appropriate by the Commissioner, and approved by the Secretary of Justice.
- e. Allotment of VUA to any BI and/or DoT-accredited tour operator shall be subject to numerical limitation as may be imposed by the BI.

Section 10. Extension of VUA Visa; Overstaying— The Tourist Visa Section (TVS) at the BI Main Office and BI SM Aura Satellite Office shall be authorized to accept applications for extension and implement approved applications for extension of VUA. Applications for extension shall be allowed only upon the approval of the Commissioner.

PROC Nationals under VUA admission whose authorized stay exceeded beyond the period of six (6) months shall be ordered to leave, after payment of the applicable fines, fees, and penalties.

Section 11. Visa Conversion, Adjustment of Visa Status – The Board of Commissioners may authorize the conversion of the status of a PROC national under TV-VUA to other visa categories, subject to existing rules and regulations governing

visa conversion, provided that the PROC national has not violated any conditions of his/her stay as temporary visitor, and provided further that such conversion/adjustment shall be allowed only after a PROC national has departed from the Philippines pursuant to the VUA Order.

Section 12. Reportorial Requirements; Information Dissemination –

- a. The BI and/or DoT-accredited tour operator shall submit a report to the BI, DoT, and Department of Foreign Affairs (DFA) should any PROC national disappear or be absent from the tour's itinerary or otherwise fail to leave the Philippines with the group, within twenty-four (24) hours from knowledge of the incident mentioned.
- b. The BI shall inform the Department of Justice (DOJ), through the Office of the Commissioner, of any exclusion or deportation of any tour group member or individual traveler within forty-eight (48) hours from knowledge of the incident mentioned.
- c. The BI shall undertake to inform the DFA and DoT regarding the implementation of this Department Circular. Likewise, the BI shall attend, as far as practicable, DoT-related travel fairs and tourism promotions to circulate and discuss the foregoing policy and guidelines.
- d. The BI shall make a detailed report to the SOJ thru the Undersecretary in charge of the BI regarding all matters pertaining to the implementation of the TV-VUA. This report shall be submitted to the said Undersecretary every 1st week of the month unless sooner required.

Section 13. Repealing Clause – All rules, procedures, guidelines and previous issuances inconsistent herewith are hereby repealed and/or modified accordingly.

Section 14. Effectivity Date – This Department Circular shall take effect immediately upon approval.

Send a copy of this Department Circular to the Office of National Administrative Register (ONAR) UP Law Center, Diliman, Quezon City.

VITALIANO N. AGUIRRE II
Secretary

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