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KAGAWARAN NG KATARUNGAN
Department of Justice
Manila

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DEPARTMENT CIRCULAR No. 026

GUIDELINES ON THE ISSUANCE OF SPECIAL NON-IMMIGRANT VISAS UNDER SECTION 47(A)(2) OF COMMONWEALTH ACT NO. 613, AS AMENDED, TO REGISTERED INDONESIAN NATIONALS (RINs)

WHEREAS, the Government of the Republic of the Philippines and the Government of the Republic of Indonesia have embarked on a joint project with the support of the United Nations High Commissioner for Refugees (UNHCR) for the Registration and Confirmation of Nationality of Persons of Indonesian Descent (PIDs) in Southern Philippines;

WHEREAS, in the February 24, 2014 meeting of the Joint Commission for Bilateral Cooperation between Philippines and Indonesia on the development of the Action Plan for 2014-2016, the Government of the Republic of the Philippines and Indonesia agreed on the importance of determining the legal status of Indonesian descendants in Southern Philippines with a view to providing better legal protection, and that in this regard, the Philippines will endeavor to assist Indonesia in these efforts;

WHEREAS, on February 9, 2015 both Governments made a Joint Declaration on the Protection of Migrants and Migrant Workers wherein they reaffirmed that the provision of mutual consular assistance shall be rendered to both documented and undocumented migrants or migrant workers in an equal manner;

WHEREAS, there are PIDs that registered in the joint project who have been confirmed to be Indonesian nationals but require legalization of their immigration status;

WHEREAS, there are PIDs whose legal spouse, children, or parents who were not registered that may qualify for the issuance of the special non-immigrant visa under Section 47(a)(2) of Commonwealth Act No. 613, otherwise known as the Philippine Immigration Act of 1940, as amended [47(a)(2) visa], after undergoing registration and confirmation of nationality by the Indonesian Government;

WHEREAS, Section 47(a) of said Immigration Act, as amended, authorized the President, in cases where public interest so warrants and under such conditions as he may prescribe, to waive immigration requirements and admit as non-immigrants, aliens who are coming to the country for a temporary period only;

WHEREAS, Presidential Decree (P.D.) No.830, as implemented under Item No. 5 of Letter of Implementation No. 47, series of 1976, and Administrative Order No. 142, series of 1994, transferred to the Secretary of Justice, or his authorized

representative, all actions on immigration matters including the waiver of visas and admission of aliens;

NOW, THEREFORE, pursuant to the provisions of existing laws, the following Guidelines are hereby prescribed for the issuance of special non-immigrant visas under Section 47(a)(2) in relation to Section 47 (a)(1) of Commonwealth Act No. 613, as amended, to confirmed Indonesian nationals residing in Southern Mindanao, their legal spouse and minor children:

Section 1. Scope. – This Department Circular (Circular) shall apply to Registered Indonesian Nationals (RINs).

For purposes of this Circular, the RIN shall refer to a PID, his/her spouse, and his/her minor children who participated in the Registration and Confirmation of Nationality project in Southern Philippines and issued with corresponding documentation, and who have been confirmed to be Indonesian nationals.

This Circular shall likewise apply to the following who failed to participate in the registration:

1. Minor children of the RIN;
2. RIN's spouse, who must also be an Indonesian national; and
3. Parent/s of the minor RIN who is/are confirmed to be Indonesian national/s who shall, for purposes of this Circular, likewise be considered RIN/s;

Provided that said minor children, legal spouse or the parent/s of the minor RIN are mentioned in the RIN's file or whose filial relations may be established but only within the first degree of consanguinity; Provided further, that they shall undergo PID registration and confirmation of nationality from the Indonesian Consulate within one (1) year from the effectivity of this Circular.

Furthermore, the Circular shall also apply to the future legal spouse and children of RINs who must be Indonesian nationals and shall undergo PID registration and confirmation of nationality from the Indonesian Consulate.

Minor RINs who also possess Filipino nationality shall not be issued a special non-immigrant visa under this Circular.

Section 2. Grant of Special Non-immigrant Visas. – The RIN, including those enumerated under Section 1, shall be issued special non-immigrant visas under Section 47(a)(2) of Commonwealth Act No. 613, as amended.

Upon approval of the application for special non-immigrant visa, this Department shall order the Bureau of Immigration to issue said visa.

For purposes of issuing the special non-immigrant visa under this Circular, the minor children of RIN shall not lose their visa status once they reach the majority age

of 18 years old. Upon its expiration, he or she may continue to apply for 47(a)(2) visa unless he or she has obtained another visa.

Section 3. Documentary Requirements. – The RIN shall submit the following documents to the Department of Justice (DOJ):

1. Duly filled application form;
2. Confirmation letter from the Indonesian Consulate certifying that the applicant is a RIN as defined under this Circular; and
3. Valid passport.

For the spouse and minor children under Section 1, paragraphs 3 and 4 of this Circular, the following documents must be submitted:

1. Birth certificate issued either by the Philippine Statistical Authority (P.S.A.) or by the Local Civil Registrar or a birth certificate or equivalent official document issued by a foreign government, either duly-authenticated by the Department of Foreign Affairs (DFA) or certified by the foreign government's consulate or embassy in the country;
2. When applicable, marriage certificate issued either by the P.S.A. or by the Local Civil Registrar or equivalent official document issued by a foreign government, either duly-authenticated by the Department of Foreign Affairs or certified by the foreign government's consulate or embassy in the country;
3. Valid passport; and
4. Letter from the Indonesian Consulate confirming the fact of relationship between the RIN and his spouse and/or minor children.

For the parents of minor RIN under Section 1, paragraph 3 of this Circular, the following documents must be submitted:

1. Birth certificate issued either by the P.S.A. or by the Local Civil Registrar or a birth certificate or equivalent official document issued by a foreign government, either duly-authenticated by the DFA or certified by the foreign government's consulate or embassy in the country;
2. Valid passport; and
3. Letter from the Indonesian Consulate confirming the fact of relationship between the RIN and his parents.

The termination of marriage of the spouses shall not prejudice the validity of the special non-immigrant visa already issued, and upon its expiration, he or she may continue to apply for 47(a)(2) visa unless he or she has obtained another visa.

Pursuant to Section 47(a)(1) of Commonwealth Act No. 613, as amended, proof of a valid admission entry into the country shall be waived.

Section 4. Validity of Special Non-Immigrant Visa. – The special non-immigrant visa shall be valid for a period of up to five (5) years and may be extended thereafter.

Section 5. *Visa and Immigration Fees.* – A special non-immigrant visa issued under this Circular shall be free from all legal fees charged under Section 14 of Department Circular (D.C.) No. 24, series 2012. It shall likewise be exempt from all immigration fees, except for alien registration fees whereby a nominal cost of One Hundred Ten Pesos (P110.00) shall be charged for the paper based Alien Certificate of Registration (ACR).

Furthermore, those RIN who wish to temporarily depart the country shall secure: 1) DOJ endorsement for the issuance of the ACR I-Card and 2) an ACR I-Card subject to regular immigration fees.

Finally, holders of 47(a)(2) visa under this Circular need not secure Special Study Permits or Student Visa (9F) visa as a requirement for admission to schools.

Section 6. *Procedural Guidelines.* – The processing of special non-immigrant visas issued pursuant to this Circular shall, whenever appropriate, follow the uniform procedure provided under Section 11 of D.C. No. 24, s. 2012.

In addition, DOJ shall issue an endorsement letter to the National Intelligence Coordinating Agency (NICA) and BI for security clearance of the RINs prior to the issuance of the visa.

Section 7. *Database.* – The Department shall maintain a database of all those who participated in the Registration and Confirmation of Nationality of PIDs in Southern Philippines.

Section 8. *Extension of Visa.* – For extension of special non-immigrant visas under this Circular, the documents required under Section 3 hereof shall be submitted within sixty (60) days prior to the expiration of the current visa.

Section 9. *Revalidation of Visa.* RINs who have a valid or unexpired special non-immigrant visa issued under this Circular, but whose Special Return Certificate (SRC) has already expired, may within ten (10) days upon their arrival or return to the country, request for revalidation of their visa by submitting the following documents:

1. A duly notarized letter request for revalidation;
2. Passport which should be valid for a period of at least six (6) months at the time of filing, showing the admission stamp and period of authorized stay; and
3. Original DOJ indorsement approval.

Section 10. *Cancellation of Visa.* – Any special non-immigrant visa issued under this Circular shall be cancelled or revoked under any of the following grounds:

1. Death;
2. Abandonment;
3. Acquisition of another visa or status;
4. Fraud, misrepresentation or error; and
5. Other grounds provided by law, rules and regulations.

Section 11. *Repealing Clause.* – This Circular repeals, amends, or modifies all rules, regulations or other issuances inconsistent herewith.

Section 12. *Effectivity.* – This Circular shall take effect after fifteen (15) days from the date of publication in a newspaper of general circulation and after copies thereof has been furnished to the Office of the National Administrative Registrar (ONAR), U.P. Law Center, University of the Philippines, Diliman, Quezon City. Let copies of this Circular be posted in the official website of the Department of Justice.



MENARDO I. GUEVARRA

Secretary

Department of Justice
CN: O201806318

