

[DEPARTMENT CIRCULAR NO. 026, July 03, 2018]

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)

Adopted: 27 June 2018

Date Filed: 03 July 2018

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 purpose 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.