[BOI Operations Order No. SBM-2015-012, April 21, 2015]

TREATMENT OF FOREIGNERS WHO COMMITTED SIMPLE IMMIGRATION VIOLATIONS BUT HAVE STRONG FAMILY TIES

Adopted: 21 April 2015
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WHEREAS, the 1987 Philippine Constitution, Art. II, Section 12 provides that the state recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution.

WHEREAS, the Supreme Court ruled in the case of Domingo v Scheer[1] that the impact of deportation upon the life of an alien is often as great if not greater than the imposition of a criminal sentence. Deportation is a punishment because it requires a removal from home, from family, from business and from property. To be forcibly taken away from home, family, business and property and sent across the ocean to a distant land is punishment; and that oftentimes is most severe and cruel. [2]

WHEREAS, the Office of the President and the Department of Justice have consistently held that deportation of foreigners with strong family ties in the Philippines but who committed simple immigration violations constitute a disproportionate penalty;

WHEREAS, there is a need to define the term strong family ties in relation to violations of immigration law;

WHEREAS, there is a need to impose a certain penalty for those foreigners with strong family ties but have committed simple immigration violations;

WHEREAS, CA 613, Sec. 42(a)(19) provides other certificate fees that may be imposed for foreigners seeking to remain in the Philippines;

NOW THEREFORE, pursuant to the Commissioner's rule-making authority under Commonwealth Act No. 613, Section 3, the following shall be observed:

Section 1. Definition - A foreigner with strong family ties shall refer to a foreigner who prior to the filing of the deportation complaint against him:

(1) has a Filipino wife (legally married)
(2) is scheduled to marry a Filipino
(3) has a Filipino child whether biological or legally adopted;
(4) is expecting the birth of his/her Filipino child (conceived prior