

**[IMMIGRATION MEMORANDUM CIRCULAR NO.
SBM-2015-011, November 03, 2015]**

ASSISTED VOLUNTARY RETURN PROGRAM (AVRP)

*Adopted: 08 October 2015
Date Filed: 03 November 2015*

Pursuant to Commonwealth Act No. 613, Section 3, as amended, the following policies and guidelines shall be observed:

Section 1. Objective. - The Bureau of Immigration (BI) promotes the sustainable voluntary return of overstaying foreigners. Likewise, the BI aims to provide alternatives to holding the physical custody of overstaying foreigners.

Section 2. Visa-Required Foreigners Who Overstayed for More Than Twenty Four (24) Months but Applied for Updating of their TVVs. -

1. Visa-required foreigners who overstayed for more than twenty four (24) months but applied for updating of their Temporary Visitor Visas (TVV) shall be allowed to update their visas with ORDER TO LEAVE provided that:

(a) They overstayed for more than twenty four (24) months but less than forty eight (48) months;

(b) Their total stay in the country is less than forty eight (48) months (computed from the applicants' latest recorded arrival); and

(c) They shall pay: (a) updating fees and penalties to be computed by the Visa Extension Section; (b) Immigration Arrears Clearance Certificate fee (IARC); and (c) express lane fee.

2. Visa-required foreigners who overstayed for more than forty eight (48) months or those whose situation does not fall under Section 2, paragraphs 1 (a) and (b) shall be allowed to update their TVVs with ORDER TO LEAVE and INCLUSION OF THEIR NAMES in the BLACKLIST. They shall pay updating fees and penalties only but shall submit their respective NBI clearances.

Section 3. Non-Visa Required Foreigners who Overstayed for More than Thirty Six (36) months but Applied for Updating of their TVVs. -

1. Non-visa required foreigners who overstayed for more than thirty six (36) months but applied for updating of their TVVs shall be allowed to update their visas with ORDER TO LEAVE provided that:

(a) They overstayed for more than thirty six (36) months but less than sixty

(60) months;

(b) Their total stay in the country is less than sixty (60) months (computed from the applicants' latest recorded arrival); and

(c) They shall pay: (a) updating fees and penalties; (b) IARC fee; and
(c) express lane fee.

2. Non-visa required foreigners who overstayed for more than sixty (60) months or those whose situation does not fall under Section 3, paragraphs (1)(a) and (b) shall be allowed to update their TVVs with ORDER TO LEAVE and INCLUSION OF THEIR NAMES in the BLACKLIST. They shall pay updating fees and penalties only but shall submit their respective NBI clearances.

Section 4. Exceptions. - The Commissioner, in the exercise of sound judgment, may allow such foreigners who fall under Section 2(2) and Section 3(2) to update their TVVs without including their names in the Blacklist taking into consideration their Filipino lineage, medical condition, minority, old age, contribution to the Philippine society/economy and other analogous circumstances. The Commissioner shall submit to the Secretary a quarterly report containing the names and circumstances of foreigners who fall under this section.

Section 5. Indigents/Distressed Overstaying Foreigners who Desire to Voluntarily Return^[1] - Indigents/distressed overstaying foreigners who desire to voluntarily return to their country of origin or nationality shall submit the following:

1. Letter request stating: (a) their latest arrival; (b) that they have fallen into financial or other distress; (c) that they have not committed any immigration violation other than overstaying; (d) their desire to voluntarily return to their country of origin or nationality; and (e) that they will leave the Philippines within fifteen (15) days from approval of their application; and

2. NBI clearance, except for minors below 15 years of age.

Section 6. Inclusion in the Blacklist of Indigent/Distressed Overstaying Foreigners. - The names of the distressed overstaying foreigners who voluntarily returned to their country of origin or nationality shall be included in the Blacklist.

Section 7. Foreigners Found to be Overstaying by Virtue of a Complaint or Mission Order. - Foreigners found to be overstaying by virtue of a complaint or Mission Order regardless of the period shall be subject to summary deportation.

Section 8. Duties of the TVS, ACO, LD and ARD. - Within twenty four (24) hours from receipt of the application for updating of TVVs of overstaying foreigners under Section 2 and Section 3 of this Circular, the Tourist Visa Section (TVS) and concerned Alien Control Officers (ACOs) shall endorse the application to the Legal Division (LD).

Within forty eight (48) hours from receipt of the application for updating/ extension, the LD shall forward the draft order to the Office of the Commissioner. The draft