

**[OPERATIONS ORDER NO. SBM-2015-033,
November 03, 2015]**

IMPLEMENTATION OF DEPORTATION ORDER

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

WHEREAS, there is a need to issue guidelines in the implementation of deportation judgment/order/resolutions;

NOW THEREFORE, pursuant to the rule-making authority of the Commissioner of Immigration under relevant immigration laws, this Operations Order on implementation of Deportation Judgment/Order/Resolution shall be observed:

Section 1. Duties of the Board Secretary - Within twenty four (24) hours from signing of the Deportation Judgment/Order/Resolution, the Board Secretary shall forward the same together with the entire case records to the Legal Division-Deportation Implementation Unit (LD-DIU).

Section 2. Duties of the LD-DIU - The LD-DIU shall send copies of the Deportation Judgment/Order/Resolution to the Respondent and other concerned parties^[1].

In case the Respondent files a Motion for Reconsideration, the LD-DIU shall comply with Immigration Administrative Order Nos. SBM-2015-012 and SBM-2015-012-A^[2].

In case the Respondent files an appeal to the Office of the President or the Department of Justice, the LD shall comply with the existing rules on appeal.

All Summary Deportation Order issued pursuant to the 2015 Omnibus Rules shall be immediately final and executor upon approval thereof.

Within forty eight (48) hours from finality of the Deportation Judgment/Order/Resolution, the Chief, Legal Division shall request for an NBI clearance stating that Respondent has no pending criminal case/s; Provided, the said NBI clearance shall be required anew upon the lapse of six (6) months from the date of last issuance thereof and the deportation order has yet to be executed.

In cases of fugitive foreigners with cancelled passports/travel documents, the LD shall request for an NBI clearance immediately upon filing of the Charge Sheet.

Section 3. Deportation of Foreigners Subject of SDO – All Summary Deportation Orders issued pursuant to the 2015 Omnibus Rules shall be immediately final and executory upon approval thereof. In these cases, the LD- DIU shall no longer send copies of the Deportation Order to the Respondent. The Respondent can no longer file a Motion for Reconsideration and/or Appeal.

Section 4. Completion of Documentary Requirements - No foreigner shall be deported unless the Deportation Judgment/Order/Resolution has become final and executory and the following requirements are complied with:

- a. Copy of Deportation Judgment/Order/Resolution;
- b. Photocopies of the official receipts showing payments of immigration fees, administrative fines, penalties and other legal fees as required in the Order/Judgment, if any;
- c. NBI clearance;
- d. Court clearances or National Prosecution Service (State/Provincial/City Prosecutors) clearances in cases when the BI has been informed of Respondent's criminal investigation or cases;
- e. Original valid passport or travel document;
- f. Valid air ticket to the country where Respondent is to be deported;
- g. Respondent's biometrics^[3].

Section 5. Costs of Deportation. -

- (a) The Respondent shall pay the cost of his deportation (airplane ticket);
- (b) If the Respondent cannot afford the cost of his deportation, his embassy or consulate shall pay the same;
- (c) If Respondent's embassy or consulate cannot afford or refuses to pay the cost of his deportation, the BI shall pay the same;
- (d) In case of deportation of a fugitive upon official request of the country of which the fugitive is a national, the costs for his deportation and his escorts, if necessary, shall be paid for by the requesting country;
- (e) In case of voluntary deportation, the Respondent shall pay the cost of his deportation.

Section 6. Warrant of Deportation for At Large Respondents - In case the Respondent is at large, the LD and the Intelligence Division shall comply with the Operations Order on Rules Governing Warrants of Deportation.

Section 7. Indorsement to the BIWF - Upon completion of the documentary requirements for detained Respondents, the LD-DIU shall indorse the same to the Warden, BIWF or to the Alien Control Officer (ACO) in cases when the Respondent will depart from an airport other than NAIA terminals. The Chief, LD shall sign the Indorsement.

Section 8. Duties of the BIWF - Upon receipt of the LD's indorsement, the Warden or ACO shall ensure the Respondent's actual deportation.

On the date of Respondent's departure, the Warden or ACO shall bring the Respondent to the airport at least two hours before the scheduled departure.

In case the Respondent is a fugitive, the Warden or ACO shall coordinate with the