

**[ BI MEMORANDUM ORDER NO. RADJR-12-007,  
March 07, 2012 ]**

**GUIDELINES ON THE CANCELLATION AND DOWNGRADING OF  
VISAS AND PROCESSING OF APPLICATIONS FOR GRACE PERIOD**

*Date Filed: 07 March 2012*

Whereas, Commonwealth Act (C.A.) No. 613, otherwise known as the Philippine Immigration Act of 1940, as amended, Section 3 provides for the rule-making authority of the Commissioner;

Whereas, it is expedient for the Bureau of Immigration to make its services accessible and available to the transacting public and to ensure uniformity, consistency and predictability in the implementation of immigration rules and regulations;

Wherefore, the following rules and regulations are hereby promulgated to govern all applications and orders for cancellation and downgrading of visas and grace period.

**RULE I. Rules on Cancellation and Downgrading**

*Section 1. Nature of Procedure:* Cancellation and/or downgrading of visa is the procedure that authorizes the adjustment or reversion of a foreign national's immigration status granted under the Philippine Immigration Act (PIA), special law or regulation to temporary visitor/tourist under Section 9(a) of the PIA. If the foreign national applies for it while in the country, the procedure is called Cancellation and/or downgrading. If the foreign national is abroad, the procedure shall simply be called cancellation.

*Section 2. Date of Filing of Applications:*

- a) Effect if filed before expiration of visa. A formal request for downgrading shall be filed, on or before the expiration of the visa granted under the PIA, special law or regulation. If granted, the applicant shall be allowed to remain in the country as a temporary visitor/tourist for a period of fifty nine (59) days which shall commence from the date of the approval of the downgrading. This will allow him to wind up his business affairs without having to secure further work authorization. He may apply for extension of this 59-day period, but subject to all restrictions imposed on ordinary tourist visa holders.
- b) Effect if filed within fifty nine (59) days after expiration of visa.

If the formal request for downgrading is filed after expiration of the visa granted under the PIA, special law or regulation, the foreign national will be considered as an overstaying alien. Nonetheless, he remains entitled to the 59-day allowance which shall commence from the date of the expiration of the visa. If the initial fifty-nine days allowance is not enough to cover the period of overstay, the applicant may apply for additional monthly extension to update his stay; Provided, that if the period of update exceeds six (6) months, the approval of the Commissioner or his authorized representative(s) shall be secured;

Provided also, that he shall be charged an additional update fee of one thousand pesos (P1,000.00) for the 59-day allowance if the request was filed within that period.

- c) Effect if filed after fifty-nine (59) days from expiration of visa. If the formal request for downgrading is filed after fifty-nine (59) days from the date of expiration of the visa granted under the PIA, special law or regulation, the foreign national shall, in addition to the motion for reconsideration fee of five hundred pesos (P500.00), be subject to the usual fees, penalties, and charges depending on the length of overstay, without prejudice to whatever sanctions the Commissioner or his authorized representative(s) may impose.

*Section 3. No automatic cancellation and downgrading:* Pursuant to the tenor of Section 22-A of the PIA, there shall be no automatic cancellation and downgrading of visas.

Automatic cancellation shall occur only when the foreign national dies or his visa expires while he is abroad.

*Section 4. Visas under special law:* If the visa to be cancelled/downgraded was granted pursuant to a special law, a clearance or endorsement from the government agency administering the law shall be required; Provided, that in case of special non-immigrant visas under Section 47(a)(2) that have not yet expired, proof of notice to the department of Justice shall be required.

*Section 5. Contents of Order.* An order for Cancellation/downgrading of visa shall indicate the period when the downgrading commences, any extensions subsequently sought, the fees paid and a directive ordering the Records Section to furnish such Orders to government agencies administering a special visa. Orders imposing a sanction shall be furnished to the Alien registration and Intelligence divisions, and this Office.

## **RULE II. Rules on Grace Period**

*Section 1. Grace Period:* A grace period (GP) is an interim visa granted to holders of non-immigrant visas (except for temporary visitor's visa under Section 9(a) of the