

[BI OFFICE MEMORANDUM NO. MCL-08-006, July 28, 2008]

SUPPLEMENTAL GUIDELINE FOR WAIVER OF EXCLUSION UNDER COMMONWEALTH (C.A.) NO. 613, SECTION 29 (A) (12)

C. A. No. 613, Section 29(a) (12) excludes minor children, who are unaccompanied not coming to join a parent. Its purpose is to prevent the illegal integration of children, who are alien to Philippine culture, tradition, mores and society.

However, C.A. No. 613, Section 29(a) (12) allows the Commissioner of Immigration to waive the exclusion of these children, if they are otherwise admissible. Minor children of Philippine ancestry, who are unaccompanied by or not coming to join a parent, fall under this exception.

The classification of minor children based on Philippine ancestry is founded upon real differences and substantive distinctions. These differences and distinctions provide: (i) A sufficient basis to waive their exclusion and (ii) A compelling public interest to allow their admission. These are germane to, consistent with and true to the intent of C.A. No. 613, Section 29(a) (12). And by allowing waivers based on this classification the Commissioner of Immigration effectively carries-out a declared state policy, duty and obligation to protect the welfare, future and best interests of these children.

Thus, this supplemental guideline is issued so that;

Minor children with Philippine ancestry, who are unaccompanied by or not coming to join a parent, shall be exempt from waivers of exclusion and waiver of exclusion service fees, Provided that, the children are accompanied by a Philippine grandfather, grandmother, guardian or relative, *Provided further* that, the accompanying Philippine grandfather, grandmother, guardian or relative submits . substantive proof of the children's Philippine ancestry at the port of entry and, *Provided finally that*, the children are not otherwise inadmissible.

For purposes of these guidelines, the term *children* shall refer to unmarried children below 18 years of age, whether legitimate, illegitimate and legally-adopted.

This memorandum order takes effect immediately.

Adopted: 28 July 2008

(SGD.) MARCELINO S. LIBANAN
Commissioner
