

[DOJ, July 20, 2000]

**GUIDELINES FOR THE PROCESSING OF APPLICATIONS FOR
PERMANENT RESIDENT STATUS OF CERTAIN VIETNAMESE AND
RECOGNITION OF THE PHILIPPINE CITIZENSHIP OF THEIR
DESCENDANTS PURSUANT TO EXECUTIVE ORDER NO. 249,
SERIES OF 1995, AS AMENDED**

Pursuant to the provisions of Executive Order No. 249, dated 29 May 1995, as amended by Executive Order No. 249-A (1998) and Executive Order No. 240 (2000), the following Guidelines are hereby promulgated for the processing of applications for permanent status of certain Vietnamese citizens and other persons similarly situated, and for the recognition of the Philippine citizenship of Filipino-Vietnamese children:

I

General Provisions

SECTION 1. Policy Guidelines — These Rules shall be interpreted so as to give substance to the constitutional policies recognizing the importance of the family as the foundation of the nation (Section 1, Article XV), recognizing the sanctity of family life (Section 12, Article II), and defending the rights of children (Section 3 (2), Article XV).

SECTION 2. Definition of Terms — As used in these Rules, unless the context requires otherwise:

- a. "EO 249" refers to Executive Order No. 249 dated 29 May 1995, as amended, entitled "Granting Permanent Resident Status to Certain Vietnamese Citizens and Filipino-Vietnamese Children Pursuant to Section 47 of the Immigration Act of 1940".
- b. "Application" refers to an application filed under these Rules for the grant of permanent residency status or for recognition of Philippine citizenship;
- c. "Department" refers to the Department of Justice;
- d. "Bureau" refers to the Bureau of Immigration;
- e. "Secretary" refers to the Secretary of Justice;
- f. "Commissioner" refers to the Commissioner of Immigration;
and
- g. "Act" refers to Commonwealth Act No. 613, "The Philippine Immigration Act of 1940, as amended;

SECTION 3. Form of Application — An application shall be in the form prescribed by the Bureau and shall be accomplished in quadruplicate. The application, as well as the pages of its annexes and supporting documents, shall be signed by the applicant in addition to the signatures thereon of the persons executing the same.

SECTION 4. Where to get and file Application — An application form may be secured from and filed with the Bureau of Immigration, Intramuros, Manila.

SECTION 5. Period for filing Application — An application shall be filed with the Bureau not later than November 15, 2000.

SECTION 6. Photographs of Applicant — Eight (8) passport-size color photographs taken within thirty (30) days of the date of application, with plain background, without a hat or glasses, shall be attached to the application. The applicant shall sign his name at the front of each photograph.

SECTION 7. Receipt of Application — If the application is found to be complete in form and is accomplished by all the supporting documents and upon payment of a processing fee of P1,000.00 and a legal research fee of P10.00, the same shall be given a docket number and stamped as having been received, indicating therein the date of filing. All such applications shall be entered in a record book and numbered in chronological order.

SECTION 8. Designation of Immigration Officer — Upon receipt of an application for permanent resident or for recognition of Philippine citizenship, the Commissioner shall assign the same to an official of the Bureau for processing.

SECTION 9. Interview — The applicant may be summoned by the Immigration Officer for interview and to confirm under oath the contents of his/her application and the supporting documents or to introduce additional documentary evidence or present witnesses. The applicant may be assisted by counsel during the hearing. The interview shall be terminated not later than three (3) days from the date of its commencement.

II

Permanent Resident Status

SECTION 10. Who may File Application — An application for the grant of permanent residence status/visa under these Rules may be filed by the following:

- a. Vietnamese citizens who are listed under the second paragraph of EO 249 who legally arrived in the Philippines prior to or during the Vietnam War but not later than 31 December 1978, if not otherwise qualified for Philippine citizenship as children of Filipino citizens under the 1935, 1973 and present Constitutions;

- b. Vietnamese citizens similarly situated as those in paragraph a. above but who are not listed under the aforesaid paragraph of EO 249, and
- c. Children and direct descendants of the Vietnamese listed in paragraphs a. and b. of this Section.

SECTION 11. Contents of Application — The application for the grant of permanent residence status shall contain, among others, the following information about the applicant:

- a. name and aliases, if any;
- b. date and place of birth;
- c. date of arrival in the Philippines, means of arrival, admission status, and by whom accompanied at the time of entry and their relationship;
- d. name, residence and citizenship of parents;
- e. civil status;
- f. occupation;
- g. if married, name, address and occupation of spouse;
- h. all addresses and places of residence since arrival in the Philippines and inclusive periods of residence.

SECTION 12. Supporting Documents — An application for permanent residence status shall be accompanied by the following documents:

- a. passport or other travel document of the applicant, if any, or similar documents to establish her identity and date of arrival in the Philippine, together with the marriage document or similar document, if the applicant is legally married to the Filipino spouse, and the birth certificate, baptismal certificate or other evidence of birth, if the applicant is the child or direct descendant of the Vietnamese mentioned in paragraphs a. and b. of Section 3 of these Rules;
- b. affidavits of two (2) Philippine citizens of good reputation in the place of residence of the applicant attesting to the latter's good moral character;
- c. clearance from the National Bureau of Investigation, the National Intelligence Coordinating Agency, Prosecutor's Office, and Police Clearance, Municipal Trial Court (MTC) and the regional trial court (RTC) where the applicant resides;
- d. medical certificate stating that the applicant is physically and mentally fit and is not suffering from a loathsome or contagious disease issued by a public medical or health facility. If a medical certificate is issued by private facility