

[Commonwealth Act No. 613, August 26, 1940]

AN ACT TO CONTROL AND REGULATE THE IMMIGRATION OF ALIENS INTO THE PHILIPPINES.

Be it enacted by the National Assembly of the Philippines:

TITLE OF ACT

SECTION 1. This Act shall be known as "The Philippine Immigration Act of 1940."

BUREAU OF IMMIGRATION

SEC. 2. A Bureau of Immigration is established under a Commissioner of Immigration, who shall have two assistants, a First Deputy Commissioner of Immigration and a Second Deputy Commissioner of Immigration. For administrative purposes, the Bureau of Immigration shall be under the supervision and control of the Department of Labor or of any other executive department which the President may subsequently determine.

COMMISSIONER OF IMMIGRATION

SEC. 3. The Commissioner of Immigration shall be appointed by the President, with the consent of the Commission on Appointments of the National Assembly, and shall hold office at the pleasure of the President. He shall receive compensation at the rate of ten thousand pesos *per annum*. He shall be the administrative head of Bureau of Immigration and shall possess the powers generally conferred upon bureau chiefs. He shall have charge of the administration of all laws relating to the immigration of aliens into the Philippines and shall have the immediate control, direction and supervision of all officers, clerks, and employees of the Bureau of Immigration. He shall issue, subject to the approval of the Department Head, such rules and regulations and prescribe such forms of bond, reports, and other papers, and shall issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated to carry out the provisions of the immigration laws. He shall submit a report to the President, in writing, of the transactions of his office, annually or oftener as the President may require.

DEPUTY COMMISSIONERS OF IMMIGRATION

SEC. 4. (a). The two Deputy Commissioners shall be appointed by the President, with the consent of the Commission on Appointments of the National Assembly, and they shall hold office at the pleasure of the President. The First Deputy Commissioner shall receive compensation at the rate of nine thousand pesos *per annum* and the Second Deputy Commissioner shall receive compensation at the rate of eight thousand four hundred pesos *per annum*. During the absence or disability of the Commissioner, the First Deputy Commissioner, and during the absence or disability of both the Commissioner and the First Deputy Commissioner, the Second Deputy Commissioner shall act as Commissioner, and the Deputy Commissioner who shall so act as Commissioner shall perform the duties of the latter in addition to his own duties.

(b) No person shall be appointed Commissioner or Deputy Commissioner unless he be a natural-born citizen of the Philippines and is at, least thirty years of age.

IMMIGRANT INSPECTORS

SEC. 5. (a) The position of Immigrant Inspectors is created, appointments to which shall be made upon the recommendation of the Commissioner in accordance with the Civil Service laws. Immigrant Inspectors shall receive a salary the maximum of which shall not be more than three thousand six hundred pesos *per annum*,

(b) Whenever he shall deem it necessary, the Commissioner of Immigration may appoint, with the consent of the proper Department Head, any qualified employee of the Government to serve as Acting Immigrant Inspector. Acting Immigrant Inspectors shall have the same powers and authority as Immigrant Inspectors.

SEC. 6. The examination of aliens concerning their right to enter or remain in the Philippines shall be performed by Immigrant Inspectors, with the advice of medical authorities in appropriate cases. Immigrant inspectors a preauthorize to admit any alien complying with the applicable provisions of the immigration laws and to enforce the immigration laws and regulations prescribed thereunder. Immigrant Inspectors are also empowered to administer oaths, to take and consider evidence concerning the | right of any alien to enter or reside in the Philippines, and to go abroad and search for aliens on any vessel or other conveyance in which they believe aliens are being brought into the Philippines. Immigrant Inspectors shall have the power to arrest, without warrant, any alien who in their presence or view is entering or still is in the course of entering the Philippines in violation of the immigration laws or regulations prescribed thereunder.

OTHER EMPLOYEES

SEC. 7. All other employees of the Bureau of Immigration except as otherwise provided in this Act shall be appointed by the Head of Department, upon the recommendation of the Commissioner of Immigration, in accordance with civil service rules and regulations, and they shall receive such salaries as may be assigned to them conformably to the provisions of Commonwealth Act Numbered Four hundred and two.

BOARD OF COMMISSIONERS

SEC. 8. The Board of Commissioners, hereinafter referred to in this Act, shall be composed of the Commissioner of Immigration and the two Deputy Commissioners.

In the absence of a member of the Board, the Department Head shall designate an officer or employee in the Bureau of Immigration to serve as a member thereof.

In any case coming before the Board of Commissioners, the decision of any two members shall prevail.

NONIMMIGRANTS

SEC. 9. Aliens departing from any place outside the Philippines, destined for the

Philippines, who are otherwise admissible and who qualify within one of the following categories, may be admitted as nonimmigrants:

- a. A temporary visitor coming for business or for pleasure or for reasons of health;
- b. A person in transit to a destination outside the Philippines;
- c. A seaman serving as such on a vessel arriving at a port of the Philippines and seeking to enter temporarily and solely in the pursuit of his calling as a seaman;
- d. A person seeking to enter the Philippines solely to carry on trade between the Philippines and the foreign state of which he is a national, his wife, and his unmarried children under twenty-one years of age, if accompanying or following to join him, subject to the condition that citizens of the Philippines under similar conditions are accorded like privileges in the foreign state of which such person is a national;
- e. A person previously lawfully admitted into the Philippines for permanent residence, who is returning from a temporary visit abroad to an unrelinquished residence in the Philippines; and
- f. A student, having means sufficient for his education and support in the Philippines, who is at least fifteen years of age and who seeks to enter the Philippines temporarily and solely for the purpose of study at a school or other institutions of learning approved for such alien students by the Commissioner of Immigration.

DOCUMENTATION OF NONIMMIGRANTS

SEC. 10. Nonimmigrants must present for admission into the Philippines unexpired passports or official documents in the nature of passports issued by the governments of the countries to which they owe allegiance or other travel documents showing their origin and identity as prescribed by regulations, and valid passport visas granted by consular officers, except that such documents shall not be required of the following aliens:

- a. A child qualifying as a nonimmigrant, born subsequent to the issuance of the passport visa of an accompanying parent, the visa not having expired;
- b. A seaman qualifying as such under section 9(c) of this Act; and
- c. A returning resident, as referred to in section nine hereof, presenting a Reentry Permit as provided for in section twenty-two of this Act.

SEC. 11. The form and manner of applying for a passport visa and the form and validity of such passport visa shall be established by regulations.

SEC. 12. A passport visa shall not be granted to an applicant who fails to establish satisfactorily his nonimmigrant status or whose entry into the Philippines would be contrary to the public safety.

IMMIGRANTS

SEC. 13. Under the conditions set forth in this Act, there may be admitted into the

Philippines immigrants, termed "quota immigrants", not in excess of five hundred of any one nationality or without nationality for any one calendar year, except that the following immigrants, termed "nonquota immigrants", may be admitted without regard to such numerical limitations;

- a. An alien coming to prearranged employment, for whom the issuance of a visa has been authorized in accordance with section twenty of this Act, and his wife, and his unmarried children under twenty-one years of age, if accompanying him or if following to join him within a period of two years from the date of his admission into the Philippines as an immigrant under this paragraph;
- b. The wife or the husband or the unmarried child under twenty-one years of age of a Philippine citizen, if accompanying or following to join such citizen;
- c. A child of alien parents born during the temporary visit abroad of the mother, the mother having been previously lawfully admitted into the Philippines for permanent residence, if the child is accompanying or coming to join a parent and applies for admission within five years from the date of its birth;
- d. A child born subsequent to the issuance of the immigration visa of the accompanying parent, the visa not having expired;
- e. A woman who was a citizen of the Philippines and who lost her citizenship because of her marriage to an alien or by reason of the loss of Philippine citizenship by her husband, and her unmarried child under twenty-one years of age, if accompanying or following to join her;
- f. The wife or the husband or the unmarried child under twenty-one years of age, of an alien lawfully admitted into the Philippines for permanent residence prior to the date on which this Act becomes effective and who is resident therein, if such wife, husband, or child applies for admission within a period of two years following the date on which this Act becomes effective.

SEC. 14. The nationality of an immigrant whose admission is subject to the numerical limitations imposed by section thirteen of this Act shall be that of the country of which the immigrant is a citizen or subject, self-governing dominions being treated as separate countries. The nationality of an immigrant possessing dual nationality may be that of either of the two countries regarding him as a citizen or subject if he applies for a visa in a third country, but if he applies for such visa within one of the two countries regarding him as a national, his nationality shall be that of the country in which he shall file his application.

DOCUMENTATION OF IMMIGRANTS

SEC. 15. Immigrants must present for admission into the Philippines unexpired passports or official documents in the nature of passports issued by the governments of the countries to which they owe allegiance or other travel documents showing their origin and identity as prescribed by regulations, and valid immigration visas issued by consular officers, except that children born subsequent to the issuance of the immigration visa of an accompanying parent, the visa not having expired, shall not be subject to these documentary requirements.

SEC. 16. The form and manner of applying for an immigration visa and the form and validity of such immigration visa shall be established by regulations.

SEC. 17. No immigration visa shall be issued to an immigrant if the consular officer knows from statements in the application therefor or from the papers submitted therewith or otherwise has reason to believe that the immigrant is inadmissible into the Philippines under the immigration laws.

IMMIGRATION VISAS FOR QUOTA IMMIGRANTS

SEC. 18. An immigration visa shall not be issued by a consular office to an immigrant whose admission into the Philippines is subject to the numerical limitations imposed by section thirteen of this Act until the consular officer shall have received from the Commissioner of Immigration the allotment of a quota number to be placed upon the visa for the immigrant.

SEC. 19. In allotting quota numbers, the Commissioner of Immigration shall accord preferences to immigrants who are the fathers and mothers of Philippine citizens who are twenty-two years of age or over, and the wives, husbands, and unmarried children under twenty-one years of age, of aliens lawfully admitted into the Philippines for permanent residence and residing therein. Such preference shall be accorded only upon petition made therefor under regulations prescribed by the Commissioner.

IMMIGRATION VISAS FOR NON-QUOTA IMMIGRANTS

SEC. 20. (a) A nonquota immigration visa for an immigrant referred to in section thirteen (a) of this Act who is coming to prearranged employment shall not be issued by a consular officer until the consular officer shall have received authorization for the issuance of the visa. Such authorization shall be given only on petition filed with the Commissioner of Immigration establishing that no person can be found in the Philippines willing and competent to perform the labor or service for which the immigrant is desired and that the immigrant's admission would be beneficial to the public interest. The petition shall be made under oath, in the form and manner prescribed by regulations, by the prospective employer or his representative. The petition shall state fully the nature of the labor or service for which the immigrant is desired, the probable length of time for which he is to be engaged, the wages and other compensation which he is to receive, the reasons why a person in the Philippines cannot be engaged to perform the labor or service for which the immigrant is desired and why the immigrant's admission would be beneficial to the public interest. The petition shall be accompanied by a certified copy of any written contract or agreement entered into for the immigrant's service and shall contain such additional information as may be deemed material. Substantiation of any allegation made in the petition may be required.

(b) If the Board of Commissioners finds that the petition complies with the requirements of the preceding paragraph and that the petitioner has established the facts entitling him to the authorization, the Board shall grant the petition and the Commissioner shall so inform the petitioner and promptly transmit authorization to the consular office at which the immigrant is to apply for a visa. Such an immigrant, upon receiving a visa and applying for admission into the Philippines, shall be exempt from the provisions of paragraph fourteen of section twenty-nine