

Immigration and Refugee Board of Canada

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> Responses to Information Requests

Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment, please email the [Knowledge and Information Management Unit](#).

7 March 2016

PHL105458.E

Philippines: Requirements and procedures for an Indian spouse of a Philippines national to obtain a temporary resident visa; rights of temporary resident visa holders, including travel abroad; requirements and procedures for re-acquiring temporary resident visa status after expiry while the holder is outside the country (2008-March 2016)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Temporary Resident Visa (TRV)

1.1 Conversion to a TRV by Marriage

The website of the Bureau of Immigration (BI) of the Philippines states that, pursuant to *Law Instruction No. 33*, a foreign national married to a Filipino citizen, whose country does not have a reciprocity agreement with the Philippines, can apply for a Temporary Residence Visa (TRV) (Philippines 11 Apr. 2014a). According to the website of the BI, foreign nationals married to Filipino citizens can apply for a Permanent Resident Visa if their country has a reciprocity agreement with the Philippines (ibid. n.d.a). The list of countries with a reciprocity agreement does not include India (ibid). According to the checklist for an application for a TRV by marriage, applicants are required to submit the following documents:

1. Joint letter request addressed to the Commissioner from the applicant and the petitioner;
2. Duly accomplished [Consolidated General Application Form] CGAF for Non-Immigrant Visa;
3. Photocopy of passport bio-page and latest admission with valid authorized stay (at least 30 days from date of filing);
4. Birth Certificate of the petitioning Filipino spouse or certified true copy of BI-issued Identification Certificate (IC) as Filipino citizen of the petitioning Filipino spouse;
5. Marriage Certificate or Marriage Contract;
6. Valid National Bureau of Investigation (NBI) Clearance, if application is filed six (6) months or more from the date of first arrival in the Philippines;
7. BI Clearance Certificate; and
8. Original or certified true copy of Bureau of Quarantine Medical Clearance, if applicant is a national of any of the countries listed under Annex "A" of Immigration Operations Order No. SBM-2014-059-A who arrived in the Philippines on or after June 2014. (ibid n.d.b)

Annex A of the Immigration Operations Order No. SBM-2014-059-A does not include India (ibid. 2014). A copy of the CGAF is attached to this Response (Attachment 1). The steps to apply for a conversion to a TRV by marriage, which are posted on the website of the BI, are attached to this Response (Attachment 2).

The website of the BI indicates that applications for a TRV must be submitted at the Main Office of the BI (ibid. 11 Apr. 2014a) located in Manila (ibid. n.d.c). However, according to the directory of offices published by the BI, applications for conversation to, and extensions of, TRVs can also be processed at other local offices throughout the country (ibid. 14 Jan. 2016). A list of local offices and the types of applications they process is attached to this Response (Attachment 3).

The website of the BI indicates that the application fee for a TRV is 8,620 Philippine Pesos (PHP) (approximately C\$247) each for the principal applicant, the spouse, and any dependants (ibid. 11 Apr. 2014a). An additional fee of US\$50 is charged for a one-year Alien Certificate of Registration Identity Card (ACR I-Card) [1] (ibid.). In correspondence sent to the Research Directorate, a representative of the International Organisation for Migration (IOM) in the Philippines stated that the TRV is valid for one year and is renewable, and that if a TRV holder does not renew the visa before it expires, he or she will have to pay a fine upon renewal (IOM 22 Feb. 2016). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

1.2 Conversion to a Five-Year TRV for Indian Nationals

The website of the BI states that, pursuant to Memorandum Order No. Add-01-038, an Indian national who is married to a Filipino citizen can apply for a conversion to a five-year TRV (Philippines 11 Apr. 2014b). According to the information included in the checklist for the application for this type of TRV, which is titled *Conversion to Temporary Resident Visa (TRV) for One (1) Year of an Indian National Married to a Filipino Citizen Under Memorandum Order No. Add-01-038*, applicants are required to submit the following documents to the BI:

1. Joint letter request addressed to the Commissioner from the applicant and the petitioner;
2. Duly accomplished CGAF [Consolidated General Application Form] for Non-Immigrant Visa;
3. Photocopy of passport bio-page and latest admission with valid authorized stay (at least 30 days from date of filing). Passport should have annotation of name of Filipino spouse;
4. Birth Certificate of the petitioning Filipino spouse or certified true copy of BI-issued Identification Certificate (IC) as Filipino citizen of the petitioning Filipino spouse;
5. Marriage Certificate or Marriage Contract;
6. Valid National Bureau of Investigation (NBI) Clearance, if application is filed six (6) months or more from the date of first arrival in the Philippines; and
7. BI Clearance Certificate. (ibid. n.d.c)

The steps to apply for this type of TRV, which are listed on the website of the BI, are attached to this Response (Attachment 4). The website of the BI indicates that the application fee is PHP 37,060 (approximately C\$1061) each for the principal applicant, the spouse, and any dependants (Philippines 11 Apr. 2014b). An additional fee of US\$50 is charged for a one-year ACR-I Card (ibid.).

In a press release issued in January 2014, the BI indicated that, after the discovery of "several" cases of Indian nationals submitting fraudulent applications for five-year TRVs using fake marriage certificates, "annotations in the passport of Indian applicants are required to reflect the name of the Filipino spouse" (ibid. 14 Jan. 2014). Additional information on this procedure could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

1.3 Extension of a Five-Year TRV for Indian Nationals

According to the website of the BI, applications for the extension of a five-year TRV for an Indian national who is married to a Filipino citizen have to be submitted at the BI's Main Office (Philippines 11 Apr. 2014c). The application fee is PHP 29,260 (approximately C\$838) each for the principal applicant, the spouse, and any dependants (ibid.). An additional fee of US\$50 is charged for the one-year ACR I-Card (ibid.). According to the checklist for Indian nationals applying for TRV extensions, which is titled *Extension of Temporary Resident Visa (TRV) for One (1) Year of an Indian National Married to a Filipino Citizen Under Memorandum Order No. Add-01-038*, applicants are required to submit the following documents:

1. Joint letter request addressed to the Commissioner from the applicant and the petitioner (alien permanent resident);
2. Duly accomplished CGAF for Non-Immigrant Visa;
3. Marriage Certificate or Marriage Contract/photocopy with Certified True Copy stamp from the BI Records Section;

4. Photocopy of applicant's passport bio-page, visa implementation page and latest admission/arrival. Passport should have annotation of name of Filipino spouse;
5. Valid National Bureau of Investigation (NBI) Clearance; and
6. BI Clearance Certificate. (ibid. n.d.e)

The steps to apply for this type of conversion, which are posted on the website of the BI, are attached to this Response (Attachment 5).

2. Rights of Temporary Resident Visa Holders

2.1 Employment

According to Section 2 of Department Order No. 146-15 titled *Revised Rules for the Issuance of Employment Permits to Foreign Nationals*, of the Department of Labor and Employment, "[p]ermanent resident foreign nationals and probationary or temporary resident visa holders under Section 13 of the Philippine Immigration Act of 1940" are exempt from the requirement to hold a work permit (Philippines 2015). According to the website of Carpo Law Immigration and Visa Consulting (Carpo Law), a Manila-based immigration law firm (Carpo Law n.d.a), while TRV holders are exempt from obtaining a work permit, they need to apply for a "special work permit" if they wish to work during the processing of the TRV application (ibid. n.d.b). Corroborating and additional information on "special work permits" could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.2 Healthcare

The website of the International Labour Organization (ILO) states that the mandate of the Philippine Health Insurance Corporation (PhilHealth), an institution "attached" to the Department of Health, is to provide health care coverage and medical services "to all people in the Philippines" (UN n.d.). A guide published by PhilHealth in 2012 further specifies that:

[i]f the foreign national is employed, he/she shall be registered under the Employed Sector Program.

Meanwhile, if he/she is self-employed or merely residing in the country, he may enrol as an Individually Paying Member. He/she only needs to accomplish the following documents and submit these to any PhilHealth office:

1. PhilHealth Member Registration Form (PMRF)
2. Photocopy of his/her Alien Certificate of Registration (ACR) issued by the Bureau of Immigration (BI) to prove his/her residency in the country. (Philippines 20 May 2012, 17)

The same source also indicates that "foreign nationals who are spouses of Filipino nationals can be declared as legal dependents" (ibid.). The principal member has to submit a copy of their marriage contract so that the foreign national-spouse can be included in the member's MDR [Member Data Record]" (ibid.).

2.3 Travel and Travel Documents

Information on the rights of a TRV holder to travel abroad was scarce among the sources consulted by the Research Directorate within the time constraints of this Response. However, in correspondence sent to the Research Directorate, the representative of IOM stated, without providing further details, that TRV holders are allowed to travel (22 Feb. 2016). According to Carpo Law, conditions that apply to TRVs include "continuity of the marriage and continuous physical presence in the Philippines" (Carpo Law n.d.b).

3. Re-acquiring Temporary Resident Visa Status

The following information was provided in the Frequently Asked Questions section of the website of the Embassy of Philippines in New Delhi:

Even if you are married to a Filipino citizen, you have to apply for a visa each time you return to the Philippines. Having entered the Philippines, you can apply for a longer-term resident visa at the Bureau of Immigration based on your status as husband of a Filipino national. The same applies to Indian women married to Filipino husbands. (ibid n.d.f)

In a February 2016 article in a column run by the Public Attorney's Office of the Philippines and published in *the Manila Times*, a Filipina woman who resides with her Indian husband in the Philippines inquired about the status of her husband whose TRV expired in January 2016 (16 Feb. 2016). In her reply, a chief of the Public Attorney Office wrote:

[I]t appears that your husband no longer has a valid temporary resident visa considering that it already expired last January 2016. Thus, it will not be possible for you and your husband to extend the same as an expired visa cannot be validly extended.

You and your husband, however, may opt to downgrade his expired temporary resident visa to a tourist visa so that he may be able to still remain in the Philippines, in the meantime. Simply try to reapply thereafter for the issuance of his new temporary resident visa. It will be most prudent for you and your husband to visit the main office of the Bureau of Immigration in Intramuros, Manila, for the processing of the downgrading of his visa. You and/or your husband must execute a letter request addressed to the Commissioner of Immigration, stating the reason/s for the downgrading of his visa as well as your residential address and contact number. Along with the letter request, photocopies of the following must be submitted: (a) your marriage certificate or contract; (b) your husband's passport bio-page, visa implementation page and the page bearing the latest admission and valid authorized stay; and (c) his ACR I-Card (front and back portions) with proof of its cancellation. In addition, he must secure a derogatory record verification (No Derogatory Stamp) before the Bureau. (*The Manila Times* 16 Feb. 2016)

Further information on the reacquisition of an expired TRV could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Note

[1] According to the website of the BI, the ACR I-Card is an identification card that is required for all foreigners who stay in the Philippines for a period exceeding 59 days (Philippines n.d.g).

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Additional Sources Consulted

Oral sources: Philippines – Bureau of Immigration, Embassies in New Delhi and Ottawa; Professor of Political Science, University of the Philippines Diliman; Scalabrini Migration Center; UN – UNHCR.

Internet sites, including: Access Health International; Cebu Investment House; Chan Robles Law Firm; DBMS Visa Consultancy; eoi.net; Expat Forum; Factiva; Gonzalez & Associates Law Firm; India - Embassy in Manila; Keesing Reference Systems; LiveinthePhilippines.com; Philippine Public Health Association; Philippines – BaLinkBayan Portal, Commission on Filipinos Overseas, Commission on Higher Education, Consulate in Los Angeles, Departments of Education, Health, Justice, Social Welfare and Development, Embassies in Ottawa, Oslo and Washington, D.C., Invest Philippines; Scalabrini Center – Migration Information System in Asia; United Kingdom – Foreign and Commonwealth Office; United Nations – International Labour Organization, Office of the High Commissioner for Human Rights, UNHCR, Research Institute for Social Development, Refworld, World Health Organization; United States – Bureau of Consular Affairs, Embassy in Manila, Library of Congress.

Attachments

1. Philippines. N.d. Bureau of Immigration (BI). "BI FORM CGAF-002-Rev 3. Consolidated General Application Form for Non-Immigrant Visa, Special Work Permit and Provisional Work Permit [Except Student Visa and SSP]." <<http://www.immigration.gov.ph/images/FORMS/18Dec2015/BI%20FORM%20CGAF-002-Rev%203.1.pdf>> [Accessed 7 Mar. 2016]

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