GUIDELINES ON DEPARTURE FORMALITIES FOR INTERNATIONAL-BOUND PASSENGERS IN ALL AIRPORTS AND SEAPORTS IN THE COUNTRY

Pursuant to Republic Act No. 9208, otherwise known as the "Anti-Trafficking in Persons Act of 2003", and its Implementing Rules and Regulations, Republic Act No. 8042, otherwise known as the "Migrant Workers and Overseas Filipinos Act of 1995", as amended by Republic Act No. 10022 and other related laws, the following guidelines, providing for definite parameters in the strict enforcement of immigration departure formalities intended for the prevention of trafficking in persons, illegal recruitment, and other related offenses, are hereby promulgated for strict implementation/compliance by all concerned:

I. TOURIST TRAVELERS

A traveler intending to go abroad with a tourist/temporary visitor's visa shall be subjected to:

1. Primary Inspection

During primary inspection, the following documents shall be required from a traveler:

a) Passport
b) Visa when required
c) Roundtrip Ticket

2. Secondary Inspection

2.1 The Bureau of Immigration shall conduct a secondary inspection of a traveler, when deemed necessary, for the purpose of protecting vulnerable victims of human trafficking and illegal recruitment and other related offenses, through the assessment of the following circumstances:

a) Age
b) Educational attainment
c) Financial capability to travel
   i. If not financially capable to travel, an authenticated **affidavit of support**, indicating therein the relationship within the 4th civil degree of consanguinity or affinity, together with the supporting documents, may be entertained; and
   ii. An affidavit of undertaking/ guaranty may likewise be entertained.

2.2 Any passenger/traveler who will be **subjected for secondary inspection** shall be required to accomplish the Bureau of Immigration Border Control Questionnaire (BCQ) to be furnished by the Immigration Officer.

2.3 However, the following shall automatically be subjected to secondary inspection:

a) Travelers without financial capacity to travel escorted/accompanied by a foreigner who is not related;
b) Minor traveling alone or unaccompanied by either parent or legal guardian without the required travel clearance from the Department of Social Welfare and Development (DSWD);
c) Repatriated irregular workers, in which case, travel may not be allowed without the

clearance from the IACAT (generate data);
d) Partners and spouses of foreign nationals intending to depart to meet and/or marry his/her fiancé without the CFO Guidance and Counseling Certificate;
e) Passengers traveling to counties with existing deployment bans, alert levels and travel advisories and those in possession of a visas to the said countries; and
f) Passengers who stayed abroad for more than one (1) year during a previous departure from the country as a tourist/temporary visitor, **intending to depart for the second and/or subsequent time.**

2.4 Clarificatory questions may be propounded relating to the above-mentioned documents/purpose by the Bureau of Immigration.

2.5 A traveler found to be misrepresenting the purpose of his/her travel as tourist shall not be cleared for departure.

II. <u>OVERSEAS FILIPINO WORKERS</u>

1.First Time Overseas Filipino Workers

1.1 Travelers under this classification shall present the following documents as validated by the Labor Assistance Center (LAC):

a) Passport
b) Visa
c) Airline/Sea craft Tickets
d) Overseas Employment Certificate (OEC)

1.2 Allowable Visa Usage (Based on POEA Rules and Regulations)
Should there be any discrepancy in the actual job position/job title in the visa and in the Overseas Employment Certificate, travel may nevertheless be **allowed** provided that the POEA through its LAC, has validated and approved the variance based on the following:
a) The visa category is related to the workers' position or in line with the principal's nature of business;
b) The recruitment agency executes **an Undertaking on Visa Usage;** and
c) The worker is aware of the visa discrepancy situation and has executed a **Declaration of Awareness and Consent.**

1.3 Instance When Visa Usage is NOT Allowed (Based on POEA Rules and Regulaions)
The use of Visa Usage Undertaking (VUU), however, does not, and can never, apply to Household Service Workers (HSW). The visa category should be strictly for household-based positions, otherwise, a traveler will not be cleared for departure and the aforementioned documents shall be confiscated for further investigation and appropriate action.

1.4 For Acts Involving Reprocessing of Contracts and Other Documents

OFWs in possession of "reprocessed" documents shall not be cleared for departure.

Based on R.A. No. 10022, the following constitute acts of reprocessing:

1. The job description/position as indicated in the work visa is different from all other pertinent documents such as the Overseas Employment Certificate, the PDOS Certificate, among others;
2. The actual job as promised or offered is different from the actual overseas work as indicated in the pertinent papers; and
3. The name of the employer or hiring company as indicated in the work visa and/or OEC are not one and the same.

All documents used under the afore-mentioned provision shall be confiscated and turned over to the POEA for further investigation and appropriate action.

2. Balik-manggagawa/ Returning Workers

2.1 The following OFWs fall under the category of Balik-Manggagawa/Returning Workers:
a) Worker-on-Leave – a worker who is on vacation or on leave from employment under a valid and existing employment contract and who is returning to the same employer, regardless of any change in jobsite, to finish the remaining unexpired portion of the contact.
b) Rehire – a worker who was rehired by the same employer after finishing his/her contact and who is returning to the same employer, regardless of a change in jobsite.
c) POLO registered worker – a returning worker whose employment contact was not processed with the POEA but was subsequently verified and registered with the Philippine Overseas Labor Office (POLO) in the jobsite and who is returning to the same employer either as a worker-on-leave or rehire, regardless of any change in jobsite. Same employer/principal refers to the current employer of the worker at the time he/she came home for vacation and to whom he/she is returning to resume employment upon return to jobsite.

2.2 Balik-Manggagawa OFWs shall be required to present the following:
a) Passport
b) Valid visa
c) Airline/sea Craft Ticket
d) OEC issued onsite by the POLO or by the POEA

2.3 In case of incomplete or questionable documentary requirements, the OFW shall be referred to the POEA-LAC for further investigation and appropriate action.

3. Overseas Filipino Workers on vacation but visiting other countries before returning to original worksite/destination

A Balik-Manggagawa OFW with a valid visa and existing work contact who intends to go to other countries while on vacation need not get a POEA travel exit clearance/OEC. Hence, he/she is considered a tourist and is not exempt from travel tax and terminal fee, but shall be allowed to travel.

4. Special Travel Exit Clearance

Pursuant to a Memorandum of Agreement between POEA and BI, the following are required to

secure Special Travel Exit Clearance from the POEA:

a) PEZA registered companies sending their employees to South Korea for training program with worker trainee visas;
b) Seafarers who are under the employment of a Philippine shipping company who are assigned to accompany or "conduct" a vessel that is being imported by the said shipping company from a foreign port to the Philippines, also referred to as "conduction crew" since they remain to be under the employ of their local companies;
c) Filipino seafarers who are required to undergo special training abroad as prescribed by the prospective foreign employer;
d) Filipino workers and spouses who are covered by the Work to Residence Policy, and who applied for immigration to New Zealand with no prearranged employment with an employer prior to their departure; and
e) Filipino workers required to undergo final interview or qualifying examination abroad as prescribed by the prospective foreign employer.

III. IMMIGRANT OR PERMANENT RESIDENT VISA

1. Filipino emigrants/residence visa or permit holders / permanent resident card holders

Travelers falling under this visa category shall present the following documents for primary inspection:
a) Passport
b) Permanent residence visa / immigrant visa / permanent residence card
c) CFO Emigrant registration sticker
d) Airline/Sea Craft ticket

2. Filipino spouses and other partners of foreign nationals

Travelers falling under this visa category shall present the following documents for primary inspection:
a) Passport
b) Permanent residence permit or visa / immigrant visa / permanent residence card
c) Guidance and Counseling Certificate
d) CFO Emigrant registration sticker
e) Airline/Sea Craft Ticket

3. Filipino J1 visa holders or Exchange Visitor Program Participants Departing for the USA

Travelers falling under this visa category shall present the following documents for primary inspection:
a) Valid passport
b) Valid J1 visa for USA

IV. SPECIAL CASES

1. FOR FINAL INTERVIEW/QUALIFYING EXAM

Workers to undergo final interview/qualifying exam as required by their prospective employers shall present the Philippine Overseas Employment Administration's (POEA) Special Exit Clearance. In the absence of thereof, passengers shall not be cleared for departure.

2. ON THE JOB TRAINING

Travelers intending to depart to another country for the purpose of on-the-job training shall present the following additional documents:

i. School certification on the need for on-the-job training
ii. Acceptance by the host company
iii. Certificate of Overseas Training by the Commission on Higher Education (CHED)

3. For relatives requesting for compassionate visit to an irregular worker abroad, a certification from Department of Foreign Affairs (DFA-OUMWA) must be secured.

4.Immediate family members of Overseas Filipino Workers (OFWs) travelling with a tourist/ temporary visitor's visa shall be allowed without need of further inspection, provided, they establish relationship within the first civil degree of consanguinity or affinity (spouse, children and parents) with the OFW and provided further that they present photo copies of the following documents of the Overseas Filipino worker:

a) Passport
b) Visa
c) Overseas Employment Certification
d) NSO authenticated birth/marriage certificate, as the case may be

5. Passengers who intend to depart for **intra-company trainings abroad** for less than three (3) months shall present an invitation from the host company reflecting the duration, entitlements, travel and other incidental expenses; while those exceeding three (3) months shall present the corresponding Trainorship Agreement containing all the above data.

V. GENERAL GUIDELINES

1. Travelers presenting fake/fraudulent passports, documents, immigration stamp shall be confiscated by the BI without prejudice to any other action that may be taken against said passenger.

2. The Bureau of Immigration shall turn-over the confiscated passports and other fake/fraudulent documents to the DOJ-IACAT for appropriate action.

3. Passengers who were not cleared for departure by reason of vulnerability to trafficking, illegal recruitment, or other related crimes, shall be immediately turned over by the Bureau of Immigration to the IACAT Task Force or to designated agency/ies for mandatory services provision, such as temporary shelter, legal assistance, or psycho-social interventions, and for more in-depth information-gathering.

4. Immigration Officers, in the performance of their functions and duties, shall adhere to the principles of Courtesy, Accountability, Responsibility, Efficiency and Service (BI – C.A.R.E.S.). The Bureau shall, likewise, institute a mechanism for immediate feedback and redress of grievances of passengers.

5. All agencies and Task Forces designated for the purpose of combating trafficking in persons, illegal recruitment, and other related crimes are hereby directed to revise existing procedures and systems to complements these guidelines within one (1) month from the effectivity thereof, to be submitted to the IACAT and PTFAIR for review and evaluation.