

Organizational Structure and its Functions

{tab=Structure} The Bureau of Immigration Organizational Chart

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- The Bureau of Immigration is principally responsible for the administration and enforcement of immigration, citizenship and alien admission and alien registration laws in accordance with the provisions of The Philippine Immigration Act of 1940, as amended. [1]

- The following units shall comprise the structural organization of the Bureau of Immigration:

- (i) The Office of the Commissioner and Associate Commissioners;
- (ii) The Board of Commissioners composed of the Commissioner as Chairman and two Associate Commissioners; and
- (iii) The Boards of Special Inquiry. [2]

- The Office of the Commissioner shall consist of:

- (i) The Commissioner of Immigration;
- (ii) Two Associate Commissioners; and
- (iii) The personnel in their immediate offices. [3]

3.a The Office of the Commissioner shall be responsible for the implementation of all laws, rules and regulations promulgated to carry out the policies and objectives of the Commission, and for exercising general supervision and control over the staff services and operating branches and units of the Commission. [4]

- The Commissioner of Immigration and the two Associate Commissioners, sitting as a body, shall compose the Board of Commissioners with the Board of Special Inquiry under it. [5]

- The Commissioner of Immigration 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 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. [6] He shall supervise, direct and coordinate the overall operations of the Bureau of Immigration. [7] He shall implement and/or execute the policies, directives, programs and projects formulated and adopted by the Commission. [8] He shall serve as chairman of the Board of Commissioners. [9] He shall prepare the agenda for, and preside at meetings of the Commission proper. [10]

- The Board of Commissioners is a quasi-judicial body. [11] It is composed of the Commissioner of Immigration and two deputy commissioners. [12] It shall have exclusive jurisdiction over all deportation cases, [13] and perform functions of the defunct Deportation Board. [14] It shall review on appeal or motu proprio the decisions of the Board of Special Inquiry. [15] It shall decide applications for pre-arranged employment, [16] and requests of aliens deported as indigents to return to the Philippines. [17]

- The Board of Special Inquiry is also a quasi-judicial body. [18] In addition to resolving admission cases, [19] it assists the Board of Commissioners in evaluating deportation cases. [20] It also investigates claims to Philippine citizenship and submits its findings and recommendations to the Board of Commissioners. [21] In 1998, the Secretary of Justice directed the BSI to determine whether or not an alien may be allowed to leave the Philippines, despite a hold-departure order. [22] In 2001, the Secretary of Justice confirmed the authority of the BSI to: (i) Evaluate petitions for cancellation of alien certificate of registration (ACR) by reason of marriage of an alien female to a Philippine spouse; [23] (ii) Review petitions for cancellation of ACR by reason of naturalization, repatriation and election of Philippine citizenship evaluated by the BSI; [24] and (iii) Prepare implementing orders from the Department of Justice (DOJ) – Inter-Agency Committee (IAC) for the resettlement of Remaining Vietnamese Nationals (RVN) to third countries. [25] It also prepares in limited quantity implementation orders for the registration of refugees processed by the Refugee Processing Unit (RPU) of the DOJ. [26] And although all reports and decisions of the Board of Special Inquiry are only advisory, its recommendations to the Board of Commissioners have persuasive effect. [27]

- The Bureau of Immigration shall have an Office of the Commissioner, an Administrative Division, a Financial and Management Division, a Law and Investigation Division, an Intelligence Division, an Alien Registration Division and an Intelligence Division. [28]

- The Administrative Division directs and supervises the administrative and support activities of the Bureau of Immigration. [29] It takes charge of personnel programs, [30] serves as a clearing center for all official communications, [31] and maintains record-filing and mailing services. [32] It acquires, stores and maintains supplies and equipment, provide janitorial and security services, [33] as well as maintain an accurate account of the fixed assets of the Bureau of Immigration.

- The Financial and Management Division prepares the annual and special budgets of the Bureau of Immigration, gives technical advice on fiscal matters, prepare and submit performance and fiscal reports, and control allotments and obligations. [34] It maintains and keeps books of account, submits financial statements and reports, ascertains and certifies the correctness of vouchers, journals, bills and the availability of funds and/or allotments. [35] It prepares payrolls, vouchers and treasury warrants, verifies and pays salaries, overtime pay, treasury warrants and vouchers for traveling expenses, compute and deduct insurance premiums, government taxes and other payroll deductions. [36] It supervises the bookkeeping work of the Bureau of Immigration, ascertains that all transactions have been properly recorded in the books; and prepares correspondences on bookkeeping matters. [37] It undertakes regular management studies of the Bureau's organizational structure, manpower and operations; review existing methods, procedures and systems; and makes recommendations for improvements. [38]

- The Law and Investigation Division advises the Commissioner of Immigration on all legal matters affecting the enforcement and administration of the Immigration and Alien Registration Acts. [39] It conducts investigations of applications of aliens seeking entry into the country, [40] claims to Philippine citizenship, [41] complaints on alleged violation of the Immigration and Alien Registration Acts, [42] petitions of aliens for the lifting of orders for them to leave the country on the ground of indigency, [43] and prosecute deportation cases. [44] In addition, it assists in the preparation of decisions for the Board of Commissioners cases, whether on appeal or review motu proprio, for deportation, admission, or exclusion. [45] It represents the Bureau of Immigration in court affecting immigration matters and in conferences and seminars. [46] It prepares warrants of arrests against aliens for violation of immigration laws, [47] confiscate cash bonds and surety bonds for violations of the terms and conditions thereof; [48] and investigate administrative cases against employees of the Bureau of Immigration, upon the direction of the Commissioner of Immigration. [49]

- The Immigration (Regulation) Division enforces immigration laws relating to the admission of aliens on primary inspection, as well as their exclusion, deportation and repatriation and those relating to the administrative penalties against vessels. [50] It keeps under surveillance all commercial vessels while in Philippine territory. [51] It maintains administrative control of aliens admitted for limited periods only. [52] At the port of entry, [53] it takes charge of the physical detention of aliens pending their exclusion, deportation or repatriation, [54] and attends to the deportation of aliens. [55] It represents the Commissioner of Immigration in boards, committees and other bodies as directed. [56]

- The Alien Registration Division takes charge of the registration of aliens pursuant to the Alien Registration Act of 1950, as amended, [57] keeps records of aliens registered up-to-date through Annual Reports, Reports of Change of Address, and amendments to the Certificates of Registration to reflect the true particulars of the aliens registered; [58] investigates violations of the Alien Registration Act and recommends appropriate action; [59] prepares orders and circulars for the guidance of the different registration officers in the proper enforcement of the Alien Registration Act; [60] investigates loss of alien certificate of registration and, in proper cases, issues duplicates to replace them; [61] issues certificates reflecting the true immigration status of aliens, such as Temporary Visitors, Treaty Traders, Prearranged Employees, Special Non-immigrants and Non-immigrant students; and aliens leaving the country; and issue the necessary permits to facilitate their return under the same status before they left the country; [62] and takes fingerprints of registered aliens, classifies and files fingerprint charts for identification purposes. [63]

- The Intelligence Division detects and reports violations of the Immigration and Registration laws and, in appropriate cases, take necessary action required upon instruction of the Commissioner, including follow-up on the stay of non-immigrants to prevent overstaying; and detect and report subversive activities of aliens in the interest of national security. [64] It shall take steps to safeguard the country from illegal entrants, [65] investigates any case at the instance of the Commissioner and submit the required reports; [66] and reports on the activities of aliens inimical to national interest with a view to taking appropriate action in accordance with law. [67]

- The CID (now BI) Executive Director, formerly classified as the Immigration Executive Officer, is a lawyer position [68] and provides legal services for the Board of Commissioners. [69]

- NOTE: Unless expressly provided for by Congress all other entities operate only on ad-hoc basis and are not inherent units, branches, sections or divisions of the Bureau of Immigration's Organizational Chart, e.g., task forces, training academy, research and development office, enforcement units, intra-office committees, social integration office, anti-fraud unit, and the like.

- [1] Letter of Implementation (LOI) No. 20, Section 20, Section 14; Executive Order No. 292 (1987), Book IV, Title III, Chapter 10 Section 31
- [2] Executive Order No. 292 (1987), Book IV, Title III, Chapter 10 Section 31
- [3] LOI No. 20 (31 December 1972), Section 15
- [4] LOI No. 20 (31 December 1972), Section 15
- [5] Ibid., Section 15
- [6] Commonwealth Act No. 613, Section 3
- [7] LOI No. 20 (31 December 1972), Section 15.1(a)
- [8] Ibid., Section 15.1(c)
- [9] Ibid., Section 15.1(f)
- [10] Ibid., Section 15.1(g)
- [11] The Presidential Anti-Dollar Salting Task Force vs. Honorable Court of Appeals, et al., G.R. No. 83578 [16 March 1989]
- [12] C.A. No. 613, Sections 4(a) and 8
- [13] LOI No. 20 (31 December 1972), Section 15.2 and 15.2(e)
- [14] Ibid., Section 15.2(f)
- [15] Ibid., Section 15.2(d)
- [16] Ibid., Section 15.2(e)
- [17] Ibid., Section 15.2(e)
- [18] The Presidential Anti-Dollar Salting Task Force vs. Honorable Court of Appeals, et al., G.R. No. 83578 [16 March 1989]
- [19] C.A. No. 613, Sections 26 and 27; LOI No. 20 (31 December 1972), Section 15.3(a)
- [20] LOI No. 20 [31 December 1972], Section 15 and 15.2; Sy Chuan alias Lim Ah Tong, et al., Hon. Emilio Galang, et al., G.R. No. L-9793 [29 December 1958]; Go Uan, et al. vs. Emilio Galang, G.R. No. L-20413 [23 December 1964]; In the matter of the petition for a writ of habeas corpus, Lucio Santos vs. The Commissioner, Bureau of Immigration, G.R. No. L-25694 [29 November 1976]; Harvey, et al. vs. Santiago, et al., G.R. No. 82544 [26 June 1988]; In re petition for habeas corpus of Willie Yu vs. Miriam Defensor-Santiago, et al., G.R. No. L-83882 [24 January 1989]; Lao Gi alias Chia, Jr., et al. vs. Santiago, G.R. No. 81798 [29 December 1989]; In the matter of the petition for habeas corpus of: Lucien Tran Van Nghia vs. Hon. Ramon J. Liwag, G.R. No. 78596 [13 July 1989]; Board of Commissioners, et al. vs. Hon. de la Rosa, et al., G.R. No. 965412 [13 December 1990]; Letter dated 4 December 1995 from the Office of the President; In re Deportation Case against Christopher T. Koruga, O.P. Case No. 02D-136 [2003]; In re Deportation Case against Xu Qing Jiang @ Lucio Ong, D.C. No. ADD-02-999 [2003]; Jeany-Vi G. Kiani vs. The Bureau of Immigration and Deportation, et al., supra
- [21] LOI No. 20 [31 December 1972], Section 15.3(c); DOJ Opinion No. 108, [series of 1996]; Senate Committee Report No. 256 [2003]
- [22] DOJ Circular No. 17, paragraph 2(c)(iv) [19 March 1998]
- [23] In re: Xing Hong Wei Wang-Tan, C.C. No. 56148 [22 October 2001]
- [24] LOI No. 20, Section 15.3(c)
- [25] Administrative Order No. 44 [1999]
- [26] DOJ Department Order No. 94 [1998]
- [27] Atty. Ronaldo P. Ledesma vs. Court of Appeals, et al., G.R. No. 161629 [8 November 2005]
- [28] LOI No. 20 (31 December 1972) Section 14
- [29] Ibid., Section 15.4(a)
- [30] Ibid., Section 15.4(b)
- [31] Ibid., Section 15.4(c)
- [32] Ibid., Section 15.4(c)
- [33] Ibid., Section 15.4(d)
- [34] Ibid., Section 15.5(a)
- [35] Ibid., Section 15.5(b)
- [36] Ibid., Section 15.5(c)
- [37] Ibid., Section 15.5(d)
- [38] Ibid., Section 15.5(e)
- [39] Ibid., Section 15.6(a)
- [40] Ibid., Section 15.6(b)

- [41] Ibid., Section 15.6(b)
- [42] Ibid., Section 15.6(b)
- [43] Ibid., Section 15.6(b)
- [44] Ibid., Section 15.6(b)
- [45] Ibid., Section 15.6(c)
- [46] Ibid., Section 15.6(d)
- [47] Ibid., Section 15.6(e)
- [48] Ibid., Section 15.6(f)
- [49] Ibid., Section 15.6(g)
- [50] Ibid., Section 15.7(a)
- [51] Ibid., Section 15.7(b)
- [52] Ibid., Section 15.7(c)
- [53] C.A. No. 613, Section 6
- [54] Ibid., Section 15.7(d)
- [55] Ibid., Section 15.7(e) in relation to C.A. No. 613, Section 6
- [56] Ibid., Section 15.7(g)
- [57] Ibid., Section 15.8(a)
- [58] Ibid., Section 15.8(b)
- [59] Ibid., Section 15.8(c)
- [60] Ibid., Section 15.8(d)
- [61] Ibid., Section 15.8(e)
- [62] Ibid., Section 15.8(f)
- [63] Ibid., Section 15.8(g)
- [64] Ibid., Section 15.9(a)
- [65] Ibid., Section 15.9(b)
- [66] Ibid., Section 15.9(c)
- [67] Ibid., Section 15.9(d)
- [68] E.O. No. 670 (1981), Section 2
- [69] Presidential Decree No. 1726 (1980), Section 3

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