



MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 163

**INSTITUTIONALIZING ACCESS TO PROTECTION SERVICES FOR
REFUGEES, STATELESS PERSONS AND ASYLUM SEEKERS**

WHEREAS, the Republic of the Philippines is a State Party to the 1951 United Nations (UN) Convention Relating to the Status of Refugees and its 1967 Protocol, the 1954 UN Convention Relating to the Status of Stateless Persons, and the 1961 Convention on the Reduction of Statelessness;

WHEREAS, Commonwealth Act (CA) No. 613 or the "Philippine Immigration Act of 1940," recognizes the admission of immigrants without nationality, and grants the President the power to admit aliens who are refugees for religious, political or racial reasons, in such classes of cases and under such conditions as he may prescribe, for humanitarian reasons, and when not opposed to public interest;

WHEREAS, pursuant to the country's obligations under international law and Letter of Implementation No. 47 (s. 1976), the Department of Justice (DOJ) issued Department Circular No. 058 (s. 2012), which established the procedure in the determination of the status of refugees and stateless persons, and created the Refugees and Stateless Persons Protection Unit under the DOJ, with the mandate to identify, determine and provide protection to refugees, stateless persons and asylum seekers;

WHEREAS, on 12 October 2017, various government agencies, led by the DOJ, entered into an Inter-Agency Agreement on the Protection of Asylum Seekers, Refugees and Stateless Persons in the Philippines ("2017 Inter-Agency Agreement"), which outlines their respective roles towards providing a wide range of protection services, including but not limited to documentation, legal assistance, health and welfare assistance, education and skills training, practice of profession, employment and livelihood, and local integration;

WHEREAS, one of the objectives of the Updated Philippine Development Plan 2017-2022 is the development of a legal framework for the protection of asylum seekers, refugees and stateless persons, including the institutionalization of their access to social services and creating a favorable protection environment for them in the country;

WHEREAS, the COVID-19 pandemic has limited the ability of refugees, stateless persons and asylum seekers to cross borders to seek protection, bringing to fore the need to integrate and institutionalize relevant policies and programs of government agencies and ensure that these communities of people are properly protected and accorded the widest possible exercise of fundamental rights and freedoms; and

WHEREAS, Section 17, Article VII of the Constitution provides that the President shall have control of all the executive departments, bureaus and offices, and

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that he shall ensure the faithful execution of the laws;

NOW, THEREFORE, I, RODRIGO ROA DUTERTE, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order:

Section 1. Policy. The State recognizes the importance and enduring relevance of the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol, 1954 UN Convention Relating to the Status of Stateless Person, and 1961 Convention on the Reduction of Statelessness, and has taken steps to strengthen the existing legal framework and mechanisms for the protection of refugees, stateless persons and asylum seekers in the country (hereinafter collectively referred to as “persons of concern” [POCs]), and address their need for protection, especially in times of public emergencies.

In this regard, the State shall closely monitor and ensure full protection of the rights of POCs to liberty and security, and freedom of movement. Subject to applicable laws and issuances, the minimum standards for the treatment of refugees shall be assured. These shall include the provision of access to socioeconomic services, social security benefits, gainful employment and humane working conditions, education, participation in judicial and administrative citizenship proceedings, legal assistance and access to courts, and freedom of religion.

POCs have the concomitant obligation to abide by the laws and regulations of the country, including measures relating to the protection of public health, and maintenance of public order and national security.

Section 2. Definition of Terms. For purposes of this Order, the relevant terms are defined as follows:

- a. *Asylum Seeker or Applicant* refers to a person who has submitted an Application, or a formal written claim to a refugee or stateless status. In the case of a minor or incapacitated person, the person on whose behalf the application was submitted, and whose request has not been finally decided on by a prospective country of refuge.
- b. *Conventions* shall refer to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention Relating to the Status of Stateless Persons, and the 1961 Convention on the Reduction of Statelessness.
- c. *Non-refoulement* is a principle of customary law which provides that no State shall expel or return (“refouler”) a refugee in any manner whatsoever, to the frontiers of territories where his or her life or freedom would be threatened on account of his or her race, religion, nationality, membership in a particular social group or political opinion.
- d. *Protection* refers to all activities aimed at ensuring full respect for the rights of the individual in accordance with human rights law, humanitarian law, and refugee law.
- e. *Refugees and Stateless Persons Protection Unit (RSPPU)* is the unit in the DOJ with the primary task of examining and processing claims to refugee or stateless status.

- f. *Refugee* shall mean a person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group or political opinion, is outside the country of his or her nationality and is unable or, owing to such fear, unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of his or her former habitual residence as a result of such events is unable, or owing to such fear, is unwilling to return to it.
- g. *Stateless Person* is one who is not considered a national by any State under the operation of its domestic law.

Section 3. Inter-Agency Committee on the Protection of Refugees, Stateless Persons and Asylum Seekers. The Inter-Agency Committee on the Protection of Refugees, Stateless Persons and Asylum Seekers (“Committee”) is hereby institutionalized, and tasked with the central role of assuring the provision of relevant services and assistance to POCs pursuant to the 2017 Inter-Agency Agreement.

The Committee shall be composed of the following:

- Chairperson : Secretary, Department of Justice
- Vice-Chairperson : Secretary, Department of Social Welfare and Development
- Members : Secretary, Department of Foreign Affairs
 Secretary, Department of Education
 Secretary, Department of Labor and Employment
 Secretary, Department of Health
 Secretary, Department of Trade and Industry
 Secretary, Department of the Interior and Local Government
 Secretary, Department of Transportation
 National Statistician and Civil Registrar General, Philippine Statistics Authority
 Chairperson, Commission on Higher Education
 Director-General, Technical Education and Skills Development Authority
 Director-General, Civil Aviation Authority of the Philippines
 General Manager, Manila International Airport Authority
 General Manager, National Housing Authority
 Commissioner, Bureau of Immigration
 Chief Attorney, Public Attorney’s Office
 Chairperson, Professional Regulation Commission
 Chairperson, Philippine Charity Sweepstakes Office
 President and Chief Executive Officer, Philippine Health Insurance Corporation

Members of the Committee may designate an alternate to represent their respective offices, and who shall be fully authorized to decide for and on behalf of his or her respective department, agency or office, and perform the functions as hereafter provided.

In the performance of its functions, the Committee may call upon other government agencies to be part thereof. As necessary, the Committee may also enlist the assistance of other government agencies and entities, including state universities and colleges and local government units (LGUs).

The DOJ, through the RSPPU, shall serve as the Committee Secretariat, and shall provide technical and administrative support to the Committee.

Section 4. Functions and Duties of the Committee. The Committee shall have the following functions:

- a. Ensure that policies on the protection of, and the services and assistance offered to POCs are consistent with relevant laws, rules and regulations, and fully implement the same;
- b. Improve access of POCs to courts, documentation, health and welfare assistance, primary education, skills training and livelihood programs;
- c. Issue guidelines, including rules on data sharing and confidentiality of information, and direct relevant agencies to issue corresponding regulations, policies and programs, to effectively implement this Order;
- d. Establish an integrated coordination and referral system of requests for protection services and assistance to POCs, and enhance the existing POC database for the efficient monitoring thereof, consistent with rules and regulations on data protection and security;
- e. Work closely with concerned agencies in coordinating and monitoring the implementation of the Agreement and this Order, including the identification of focal units/divisions/offices within each agency;
- f. Cooperate with the UN High Commissioner for Refugees or any other relevant international body in effectively implementing the Conventions, and in providing for the protection of refugees;
- g. Conduct trainings, information and awareness campaigns, and capability-building activities; and
- h. Create committees, or technical working groups consisting of relevant national government agencies that will address specific concerns related to the protection and services to POCs, and the implementation of this Order;
- i. Perform other tasks that the President may direct.

Section 5. Access to Courts. The Committee shall continue to coordinate with the Judiciary, in accordance with the provisions of relevant international laws, to ensure that POCs have access to courts and the swift administration of justice.

Section 6. Local Integration of POCs. The LGUs are encouraged to support the integration of the POCs within their communities, conduct information and awareness campaigns, and make available the necessary programs and services to facilitate such integration in local development frameworks, including development programming and emergency response and recovery frameworks.

Section 7. Engagement with non-government entities. The Committee may engage civil society organizations, non-government organizations, the private sector, the academe, the communities of POCs, faith-based organizations, and relevant people's organizations, for the purpose of ensuring collaborative implementation of this Order, as well as to widen the support network available to POCs.

Section 8. Confidentiality. The Committee shall ensure that the information acquired in the fulfilment of its mandate shall remain confidential. Subject to rules which may be issued pursuant to Section 4(c) of this Order, or where the country's national security interests are at stake, the procedure in the determination of the status of refugees and stateless persons, as well as the asylum procedure, should in all stages respect the confidentiality of such requests or claims, including the fact that the request or claim was made.

Section 9. Funding. Funds for the initial implementation of this Order shall be charged against the respective budgets of concerned agencies. Funding for the succeeding years shall be incorporated in their respective regular appropriations, subject to the usual budget process.

The Department of Budget and Management shall ensure that the proposed annual National Expenditure Program shall include initiatives for the protection of POCs in line with the country's obligations under the Conventions.

Section 10. Separability. If any section or part of this Order is declared to be unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force and effect.

Section 11. Repeal. All orders, rules and regulations, issuances or any part thereof inconsistent with the provisions of this Order are hereby repealed, modified or amended accordingly.

Section 12. Effectivity. This Order shall take effect immediately upon its publication in the Official Gazette or in a newspaper of general circulation.

DONE, in the City of Manila, this 28th day of February in the Year of our Lord, Two Thousand and Twenty-Two.



By the President:



SALVADOR C. MEDIALDEA
Executive Secretary

