



Republic of the Philippines

DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT

DILG-NAPOLCOM Center, EDSA corner Quezon Avenue, Quezon City
www.dilg.gov.ph



**MEMORANDUM CIRCULAR
NO. 2020 – 153**

TO : ALL PROVINCIAL GOVERNORS, CITY AND MUNICIPAL MAYORS, PUNONG BARANGAYS, DILG REGIONAL DIRECTORS, BARMM MINISTER OF LOCAL GOVERNMENT, AND ALL OTHERS CONCERNED

SUBJECT : ASSISTANCE TO REFUGEES, ASYLUM SEEKERS, AND STATELESS PERSONS IN THE PHILIPPINES RECOGNIZED BY THE DEPARTMENT OF JUSTICE- REFUGEES AND STATELESS PERSONS PROTECTION UNIT

DATE : 10 NOV 2020

1. BACKGROUND / LEGAL BASES

1.1 The Philippines is a State Party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and the 1954 Convention relating to the Status of Stateless Persons, which outline the rights and obligations of refugees and stateless persons, as well as the responsibility of States to uphold and protect the basic rights of refugees and stateless persons.¹

1.1.1 Article II, Section 2 of the 1987 Philippine Constitution “adopts the generally accepted principles of international law as part of the law of the land...”

1.1.2 Article 26 of the Vienna Convention on the Law of Treaties highlights that a State Party, such as the Philippines in line

¹ As a signatory to these conventions, the Philippine Government has assumed primary responsibility for the protection all of refugees and stateless persons in the Philippines.

Level Segment on Statelessness⁸, the Philippine Government has also pledged⁹ to enhance its policy, legal, and operational framework for refugees, asylum seekers, and stateless persons to ensure their full access to rights under international conventions and as may be provided by national laws.

1.6 On 16 March 2020, the President of the Republic of the Philippines issued Proclamation No. 929, Series of 2020: Declaring a State of Calamity throughout the Philippines due to Corona Virus Disease 2019 (CoVID-19), placing Luzon under Enhanced Community Quarantine (ECQ) and the rest of the country in a State of Public Health Emergency, and capacitating local government units (LGUs) to mobilize the necessary resources in rendering full assistance in a timely manner to contain the spread of CoVID-19 and mitigate its impact on the community.

1.6.1 Article 20 of the 1951 Convention relating to the Status of Refugees highlights that “[w]here a rationing system exists, which applies to the population at large and regulates the general distribution of products in short supply, refugees shall be accorded the same treatment as nationals.”

1.6.2 Article 23 of the 1951 Convention relating to the Status of Refugees also emphasizes that “Contracting States shall accord to refugees lawfully staying in their territory the same treatment with respect to public relief and assistance as is accorded to their nationals.”

1.7 The Philippine Congress passed RA No. 11469¹⁰ declaring the existence of a national emergency due to CoVID-19, and granting the President the authority to exercise powers necessary and proper to carry out the declared national policy and for other purposes, subject to restrictions and a limited period.

⁸ On October 2019, UNHCR convened the High Level Segment on Statelessness to encourage concrete commitments by States to take action in addressing statelessness in the next 5 years, in line with the global Campaign to End Statelessness by 2024.

⁹ The pledges of the Philippines were made during the Global Refugee Forum (GRF) held in Geneva, Switzerland on 17-18 December 2019, and the High Level Segment on Statelessness held in Geneva, Switzerland on 07 October 2019.

¹⁰ RA No. 11469 is otherwise known as the Bayanihan to Heal As One Act

with the aforementioned conventions, is legally obliged to follow all the provisions of a treaty in good faith.²

- 1.2 Under the Department of Justice (DOJ) Department Circular (DC) No. 58, Series of 2012, the Department of Justice – Refugees and Stateless Persons Protection Unit (DOJ-RSPPU) is the primary agency in the Philippines mandated to facilitate the identification, determination, and protection of refugees, asylum seekers, and stateless persons, and assist and coordinate with government agencies, non-government organizations, and the United Nations High Commissioner for Refugees (UNHCR)³ in obtaining durable solutions for refugees, asylum seekers, and stateless persons.
- 1.3 Under the leadership of the DOJ-RSPPU, the Department of the Interior and Local Government (DILG) sits as a member of the Inter-Agency Steering Committee (IASC) on the Protection of Refugees, Asylum Seekers, and Stateless Persons⁴, which aims to institutionalize the policies and services of relevant agencies to ensure that refugees, asylum seekers, and stateless persons are properly protected and assisted in the Philippines⁵.
- 1.4 The Philippines also adopted the 2030 Sustainable Development Agenda⁶ and pledged to prioritize collective actions in achieving the principle of leaving no one behind in its national development plans.
- 1.5 Following the Philippines' endorsement of the Global Compact on Refugees (GCR)⁷ and the Philippines' participation in the High

² Supreme Court Ruling on *Bayan Muna vs. Romulo* (G.R. No. 159618), 01 February 2011.

³ The UNHCR is also referred to as the United Nations (UN) Refugee Agency.

⁴ In keeping with the Philippines' commitments under international conventions, an IASC Agreement among 16 member agencies was signed in October 2017 to create a more favorable protection environment for refugees, asylum seekers, and stateless persons by improving their access to rights and services.

⁵ DOJ DC No. 58, the IASC Agreement, and the proposed Executive Order (EO) adopting the IASC Agreement, which was approved by the Human Development and Poverty Reduction Cabinet Cluster (HDPRCC), have altogether expanded a favorable protection environment to include asylum seekers.

⁶ Adopted by the Philippines on 25-27 September 2015 in New York, United States

⁷ On July 2018, the Philippines endorsed the GCR, which is a blueprint that calls for greater support for refugees and host countries, and aims to help refugees become more self-reliant to enable them to contribute to their own future and that of their host communities.

1.8 The DILG is cognizant of the role of LGUs in creating opportunities for economic, civic, and social growth by fostering inclusive communities that are stronger and more resilient to change, and where refugees, asylum seekers, and stateless persons can live in safety, become self-reliant, and contribute to and participate in their local community.

1.9 The DILG shall hereby continue its primary objectives of promoting peace and order, ensuring public safety, and strengthening the capability of LGUs by mandating all local leaders and offices to extend protection, assistance, appropriate services to, and referrals for all refugees, asylum seekers, and stateless persons in the Philippines who are within their geographical jurisdiction during the current state of public health emergency and even thereafter.

2. PURPOSE

2.1 This Memorandum Circular (MC) is being issued in line with the commitment made by the DILG, as a member of the IASC on the Protection of Refugees, Asylum Seekers, and Stateless Persons in the Philippines, to institutionalize the ad-hoc assistance being extended by LGUs in accordance with the Philippines' commitment to ensure that all refugees, asylum seekers, and stateless persons in the Philippines have fair and equal access to assistance, protection, and durable solutions at all times.

2.2 This MC is also being issued in line with authority granted by the President to all government agencies and LGUs, under Proclamation No. 929, Series of 2020 and RA No. 11469, to mobilize the necessary resources in undertaking the critical and appropriate disaster preparedness and response efforts in a timely manner to contain and eliminate the spread of CoVID-19 and to continue to provide basic services to the affected population.

3. BASIC PRINCIPLES

3.1 Definition of Terms

3.1.1 Refugee is “any person who... owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country”.¹¹

3.1.2 Stateless person is a person “who is not considered as a national by any state under the operation of its law.”¹²

3.1.3 Persons of Concern (POCs) collectively refer to refugees, asylum seekers, and stateless persons.

3.1.4 .Protection refers to “...all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law.”¹³

3.2 Confidentiality and Security

3.2.1 Due to the sensitive nature of the claims of refugees, asylum seekers, and stateless persons, all requests for information or data shall be coursed through the DOJ-RSPPU in accordance with the provisions of Republic Act (RA) No. 1017314¹⁴ and Section 33 of DOJ DC No. 58, Series of 2012.

3.2.2 The IASC on the Protection of Refugees, Asylum Seekers, and Stateless Persons in the Philippines has also established protocols that prohibit contact with the Embassies or

¹¹ Article 1 of the 1951 Convention relating to the Status of Refugees.

¹² Article 1 of the 1954 Convention relating to the Status of Stateless Persons.

¹³ International Committee of the Red Cross (ICRC), 1999.

¹⁴ RA 10173 is otherwise known as the Data Privacy Act of 2012.

Governments¹⁵ of refugees, asylum seekers, and stateless refugees.

3.3 Principles of Non-refoulement

3.3.1 The principle of non-refoulement, stipulated under Article 33 of the 1951 Convention relating to the Status of Refugees, is a core principle of refugee law that prohibits States from returning refugees and asylum seekers in any manner whatsoever to countries or territories in which their lives or freedom may be threatened.

3.3.2 The obligation of non-refoulement constitutes an essential and non-derogable component of customary international law and is therefore binding on all States, whether or not they are parties to the 1951 Convention and its 1967 Protocol relating to the Status of Refugees.¹⁶

3.3.3 As a State Party to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, the principle of *non-refoulement* shall apply to all refugees and asylum seekers in the Philippines and shall not be subject to derogation.

3.4 Role of UNHCR and its partnership with State¹⁷

3.4.1 The global responsibility of UNHCR is to work with States in providing refugees, asylum seekers, and stateless persons with access to international protection and durable solutions.

3.4.2 UNHCR works with States in ensuring that refugees, asylum seekers, and stateless persons have equal access to an

¹⁵ There are situations where refugees, asylum seekers, and stateless persons claim that their government leaders are at the root of forced displacement or when the asylum claim is based on State or State-sanctioned persecution (i.e. political refugees)

¹⁶ Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol." UNHCR, Geneva. 26 January 2007.

¹⁷ "UNHCR & International Protection: A Protection Induction Programme." UNHCR, Geneva. 2006.

enjoyment of their rights in accordance with relevant bodies of law.

3.4.3 UNHCR shall not act as a substitute for government responsibility. States are primarily responsible for protecting the rights of all refugees, asylum seekers, and stateless persons in their territory.

3.4.4 UNHCR shall provide technical assistance to the DOJ-RSPPU, with the support of non-government organizations, in ensuring that all refugees, asylum seekers, and stateless persons in the Philippines are properly protected.¹⁸

4. POLICY CONTENT AND GUIDELINES

4.1 Civic Inclusion

4.1.1 Residence permits and other relevant documents must be issued to refugees, asylum seekers, and stateless persons for universal access to services (i.e. social services, financial institutions)

4.1.1.1 LGUs shall honor all documents issued by the Philippine Government to refugees, asylum seekers, and stateless persons indicating their legal status in the country

4.1.1.2 The minimum documentary requirements for refugees, asylum seekers, and stateless persons to access services provided by government and/or non-government or civic organizations shall be:

4.1.1.2.1 Proof of status as a refugee, asylum seeker, or stateless person¹⁹; and

4.1.1.2.2 Proof of residence²⁰.

4.1.2 All LGUs are enjoined to promote community partnerships and civic engagement with local authorities and private organizations.

¹⁸ Section 5 of DOJ DC No. 58.

¹⁹ Issued by DOJ, Bureau of Immigration (BI), or Department of Foreign Affairs (DFA)

²⁰ Issued by the City/Municipality or Barangay

- 4.1.2.1 All LGUs are encouraged to implement inclusive programs that connect refugees, asylum seekers, and stateless persons with the local community for opportunities (i.e. volunteering initiatives, workshops, apprenticeships, community dialogues).
- 4.1.2.2 All LGUs are encouraged to implement capacity building and sensitization initiatives on protection principles relating to refugees, asylum seekers, and stateless persons
- 4.1.3 All LGUs are mandated to include in accountability reports interventions aimed at promoting inclusion and an impact analysis of how the policies and programs benefit refugees, asylum seekers, and stateless persons.
 - 4.1.3.1 All LGUs must enhance mechanisms for accountability to determine how well local governments serve all sectors of the community, including refugees, asylum seekers, and stateless persons, as a criterion for the Seal of Good Local Governance (SGLG).
 - 4.1.3.2 All LGUs must regularly monitor and evaluate changing demographics, policies, and community needs.
 - 4.1.3.3 All LGUs are encouraged to conduct participatory assessments to provide refugees, asylum seekers, and stateless persons with an opportunity to engage with local and/or community leaders.

4.2 Social Inclusion

- 4.2.1 All LGUs must assure that public spaces, services, and institutions are equally accessible and beneficial for all sectors of the community.
 - 4.2.1.1 All LGUs must strengthen their capacity to identify durable solutions for the inclusion of refugees, asylum seekers, and stateless persons.

4.2.2 LGUs shall ensure that refugees, asylum seekers, and stateless persons have access to government institutions and services

4.2.2.1 All LGUs are encouraged to host naturalization campaigns to inform refugees, asylum seekers, and stateless persons about the process for and benefits of citizenship.

4.2.2.2 All LGUs shall assist refugees, asylum seekers, and stateless persons in obtaining access to free legal assistance²¹.

4.2.3 LGUs shall ensure the inclusion of refugees, asylum seekers, and stateless persons in public relief without discrimination of any kind²².

4.3 Economic Inclusion

4.3.1 All LGUs shall assist all refugees, asylum seekers, and stateless persons in adapting to the local economy and improve their connectivity and access to better opportunities.

4.3.1.1 All LGUs must provide administrative assistance to refugees, asylum seekers, and stateless persons.

4.3.1.2 All LGUs shall identify pathways to credential recognition and competence-based assessments for employment to help refugees, asylum seekers, and stateless persons re-integrate into their professional fields.

²¹ UNHCR and the Public Attorney's Office (PAO) signed a Memorandum of Understanding in 2013, which outlines the framework of cooperation with regard to access to free legal assistance, counseling and representation of refugees, stateless persons and asylum applicants, and those seeking recognition of refugee and stateless status in all stages of administrative, judicial and quasi-judicial proceedings (i.e. immigration and detention cases), including civil, criminal and labor cases.

²² Article 3 of the 1951 Convention relating to the Status of Refugees and the 1954 Convention relating to the Status of Stateless Persons

- 4.3.2 All LGUs are mandated to address structural barriers that prevent refugees, asylum seekers, and stateless persons, including businesses owned by them, and from fully participating the community (i.e. transportation, housing, job centers, and legal services).
- 4.3.2.1 All LGUs shall address gaps in infrastructure, information, technology, energy, finance, training, services, and assistance to help refugees, asylum seekers, and stateless persons become more resilient and to allow them to participate and contribute to the community.
 - 4.3.2.2 All LGUs are encouraged to promote work-based learning programs, digital trainings, language trainings, and work support for the elderly refugees, asylum seekers, and stateless persons.
 - 4.3.2.3 All LGUs shall adapt existing practices or innovate strategies to ensure the financial inclusion of refugees, asylum seekers, and stateless persons (i.e. support access to formal and/or digital banking services, develop partnerships with microfinance institutions, development agencies, or impact investors, provide incentives for the innovation of risk-sharing models).
- 4.3.3 All LGUs are encouraged to engage community organizations to liaise with employers, and assess and match skills of refugees, asylum seekers, and stateless persons with available market opportunities.
- 4.3.3.1 All LGUs are enjoined to help businesses innovate to promote economic dynamism and productivity, and strengthen the engagement of the private sector as primary stakeholders in facilitating employment opportunities and access to meaningful jobs and wages.
 - 4.3.3.2 All LGUs should provide refugees, asylum seekers, and stateless persons with access to capital and business counseling programs.

4.4 Educational Inclusion

4.4.1 All LGUs shall engage the local educational system in ensuring inclusive and equal access to education for all refugees, asylum seekers, and stateless persons.

4.4.2 All LGUs shall develop comprehensive strategies that account for an individual's entire educational trajectory.

4.4.2.1 All LGUs must strive to connect educational opportunities and vocational trainings to employment.

4.4.3 LGUs shall strengthen the capacity of education institutions to develop a learning culture that is inclusive of refugees, asylum seekers, and stateless persons.

4.4.3.1 All LGUs are encouraged to explore possible interventions for students who have been affected by disrupted learning.

4.4.4 All LGUs must ensure that educational conditions, culture, and capable educators are equipped to manage the challenge of diversity.

4.4.4.1 All LGUs shall establish quality infrastructures and services to support inclusive education of refugees, asylum seekers, and stateless persons.

4.4.4.2 All LGUs are encouraged to provide training and learning opportunities for educators and related professionals on the protection of refugees, asylum seekers, and stateless persons.

4.5 Health Inclusion

4.5.1 All LGUs shall ensure that refugees, asylum seekers, and stateless persons have equal access to healthcare services.

4.5.1.1 All LGUs must provide refugees, asylum seekers, and stateless persons access to standard healthcare procedures (i.e. consultation, hospitalization, surgery, medical tests).

4.5.2 All LGUs must ensure that health programs mediate culturally sensitive topics (i.e. sexual health, mental health).

4.5.2.1 All LGUs must ensure that health professionals keep pace with the diversity of societies

4.6 Cultural Inclusion

4.6.1 LGUs shall ensure that local policies and community values promote a multicultural environment.

4.6.1.1 All LGUs are encouraged to diversify practices and services at the local level to inform future policy relating to the protection of refugees, asylum seekers, and stateless persons.

4.6.2 All LGUs shall promote cultural understanding in relation to refugees, asylum seekers, and stateless persons in local government structures, services, community organizations or groups, and the workplace.

4.6.2.1 All LGUs should properly brief local security in improving engagement with refugees, asylum seekers, and stateless persons.

4.7 Institutional Mechanisms

- 4.7.1 In providing assistance to the refugees, asylum seekers, and stateless persons, all LGUs may request for the assistance of their Local Peace and Order Councils (POCs) to further ensure the protection and safety of these individuals. In this way, the POCs may adopt resolutions which can address the safety of these individuals and the community, as well, and ensure their inclusion in all sectors;
- 4.7.2 Further, POCs may create Special Action Committees (SAC) or Task Forces (TF), as deemed necessary, to address issues or incidents on peace and order and public safety, as stated in DILG MC No. 2019-143. Additionally, POCs may opt to create a SAC / TF on the Protection and Inclusion of Refugees, Asylum Seekers, and Stateless Persons. The institutionalization of these SACs/TFs will further assist LGUs in attaining peace and order and maintaining public safety even with the presence of these concerned individuals who are still coping-up with their situation and trying to integrate themselves back into the community. Furthermore, programs specific to their concern may also be implemented which can help them in attaining the proper programs and services of the government. When these individuals are provided with the necessary safety and security interventions, they can exercise their rights as a free individual in accordance with the letter and the spirit of the relevant bodies of law.

5. EFFECTIVITY

- 5.1 This Memorandum Circular shall take effect immediately.
- 5.2 All relevant authorities and field personnel are hereby directed to cause the widest dissemination of this Memorandum Circular, render pertinent assistance to refugees, asylum seekers, and stateless persons, and ensure that the intent of this MC is attained.

6. APPROVING AUTHORITY


EDUARDO M. AÑO
Secretary

7. FEEDBACK

- 7.1 For inquiries related to this document, you may contact the **DOJ-Refugees and Stateless Persons Protection Unit (RSPPU)** at (+632) 8523-8481 to 98.



DILG-OSEC 11092020-031