

Duran & Duran-Schulze Law's Success in Lifting Clients' Blacklist Orders in the Philippines

Navigating immigration laws can be complex, especially when dealing with a Blacklist Order (BLO). According to the Bureau of Immigration (BI), a BLO prohibits a foreign national from entering the Philippines due to various reasons, such as legal violations or criminal records.

Foreign nationals who violate Philippine laws may be automatically included in the BLO list within the BI system. Additionally, foreign nationals with criminal records or those wanted in their home countries are reported to the BI by their respective embassies and blacklisted accordingly. If a foreign national is not aware of their inclusion on the BLO list, they may be deported immediately upon arrival at a Philippine airport. The decision to blacklist an individual is made at the discretion of the Bureau of Immigration.

Understanding and lifting a BLO requires legal insight and action. To lift a BLO, the individual must submit a written request to the BI Commissioner for its removal. It is advisable to seek legal advice and assistance from a lawyer or law firm to facilitate the process effectively.

Duran & Duran-Schulze Law is a full-service visa and immigration law firm that can help you navigate through the complex world of Philippine Immigration Law. With 11 years of experience, we have successfully assisted foreign nationals from over 40 countries and Philippine citizens living abroad.

We are committed to providing comprehensive legal guidance and assisting our clients through the procedures and requirements for lifting blacklist orders. To support our clients effectively, we offer one free legal web consultation and answer per inquiry. Our goal is to resolve issues promptly, prevent delays, and explore all available legal remedies.

In this case study, we will detail how we successfully assisted our clients in lifting their blacklist order in the Philippines. We will provide a comprehensive overview of the process, discuss the challenges our clients encountered, and present solutions for overcoming these obstacles. By sharing our experiences and insights, we aim to offer practical guidance to others navigating similar situations and to simplify the complexities associated with blacklist lifting.

Challenges Faced by Clients

Client 1

Amidst the travel restrictions imposed due to the outbreak of the COVID-19 virus, the Bureau of Immigration (BI) issued a Revised Guidelines on Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF-MEID) Resolution Nos. 97 and 98 Series of 2021 dated 28 January 2021 and 04 February 2021 allowing foreign spouses of Filipino citizens to enter the Philippines. In this regard, Client 1 secured a single-entry travel visa from the Los Angeles Consulate which is valid from February 26, 2021 to May 25, 2021.

On March 16, 2021, he decided to fly to the Philippines to physically be with his wife. However, upon arrival at the Port of Entry in Ninoy Aquino International Airport (NAIA) Terminal 1, an Exclusion Order (E.O. No. POD:TI-21-03-025) was issued finding Client 1 excludable pursuant to Section 29(a)5 of C.A. No. 613, as amended, stating the reason that:

“Passenger claims to visit alleged wife in the Philippines but was unable to prove virtual marriage; no screenshot or screen grab of alleged virtual marriage; unable to present photos as couple; relationship as a spouse to a certain XXX, not clearly established, doubtful purpose.”

In this regard, the immigration officer recommended that Client 1’s name be included in the Bureau of Immigration’s Blacklist.

Upon the lapse of three (3) months from March 16, 2021 or from the date of actual implementation of the exclusion order, Client 1’s wife filed a letter requesting the Bureau of Immigration to lift his name from the Blacklist Order. Additionally, to support the request, his wife attached the photocopies of the following documents:

1. Report of Marriage
2. Passport
3. Taxpayer Identification Number (TIN) issued by the Bureau of Internal Revenue (BIR)

However, the Bureau of Immigration denied the letter filed by Client 1’s wife because of the lack of evidence, which provides that:

“xxx The documents attached are insufficient and its existence does not automatically warrant the lifting of XXX's name in the blacklist.

WHEREFORE, the instant request is hereby **DENIED**. xxx”

Client 2

While Client 2 was processing his Permanent Resident Visa (PRV), he was flagged for not having paid his visa, which was successfully explained by him. This was because during the COVID-19 pandemic, he was unable to timely downgrade his 9G visa and pay his tourist visa fees from the time of his resignation until the time he applied for the conversion of his visa to PRV. Upon learning of this order, he immediately settled the overstaying fees and other fees.

When Client 2 started efforts to convert his probationary PRV, having almost completed the 1-year probationary period, he was surprised when he knew that he was placed under Blacklist Order (BLO). The Order quoted that the reason for the BLO was *“overstaying or unexplained prolonged presence in the Philippines.”*

Client 3

Client 3 was permitted to extend his stay in the Philippines until April 20, 2013 and got multiple extensions. Another extension was granted until January 20, 2014. Unfortunately, he was not able to extend his Tourist Visa when it ended on the given extension and stayed in the country until May 27, 2016.

From January 20, 2014 until sometime in May 2016, Client 3 was unemployed and was still going through difficult times. In this regard, he utilized his retirement funds to shoulder his financial expenses during his stay in the Philippines. Due to this, he slowly depleted his retirement funds as there were no incoming funds then in exchange for those he shelled out.

Client 3's overstaying and deteriorating funds led to the issuance of the Order to Leave dated May 27, 2016. Pursuant to the Order, he should leave the Philippines on or before July 20, 2016. Client 3 then left the country on May 13, 2016 to avoid any inconvenience or unnecessary consequences.

As wanting to go back to the Philippines, Client 3 contacted the Office Manager of the condo unit he was staying to ask for assistance regarding the review of the Order to Leave issued against him. However, this was subsequently denied for the reason that the Office Manager failed to attach a Special Power of Attorney to prove that he was authorized by Client 3. The relationship between Client 3 and the Office Manager also has not been proved.

Solutions to Lift Blacklist Order

Client 1

In October 2022, Client 1 and his Filipino wife reached out to **Duran & Duran-Schulze Law** for legal assistance and advice to lift the Blacklist Order. They are our first client regarding the Blacklist Order lifting. In this regard, we interviewed our client and his wife to obtain information that would be strong evidence to lift the Order. In addition, we filed a 2nd Letter of Request to lift Client 1's name in the Blacklist. In the request, we included pertinent information and attached necessary documents that proves the legally marital union between him and his wife.

Furthermore, we included the Philippine Family Code recognizes that a husband and wife are obliged to life together:

“Art. 68. The husband and wife are obliged to live together, observe mutual love, respect and fidelity, and render mutual help and support. (109a)”

Client 2

In January 2023, Client 2 and his Filipino wife reached out to **Duran & Duran-Schulze Law** for legal assistance and advice to lift the Blacklist Order and extend the Order to Leave. This was our first case handling a Blacklist lift with an Order to Leave. In order to solve the problem, we interviewed our client and his wife to obtain information that would be strong evidence to lift the Order and extend the Leave. We also drafted and filed the Letter of Request and processed the necessary documents to be attached to the letter.

On March 27, 2023, we submitted the Letter of Request along with the necessary documents to the Bureau of Immigration Commissioner to lift Client 2's name in the Blacklist and to extend the Order

to Leave from 60 days to 120 days in order to give him sufficient time to secure an Emigrant Clearance Certificate (ECC) and to wait for the result of the request of his lift.

Client 3

Around March 2023, Client 3 inquired and engaged the services of **Duran & Duran-Schulze Law** to assist him in lifting the Blacklist against him, as he wanted to stay in the Philippines permanently. On August 7, 2023, we filed a Letter of Request to the Bureau of Immigration Commissioner to lift Client 3's name in the Blacklist in order to spend his retirement in the country and to have an opportunity to invest in Philippine companies, which would be beneficial to the country's economy.

Results

Client 1

On March 8, 2023, the Bureau of Immigration Commissioner **approved** Client 1's name to be lifted in the Blacklist. The approval of the 2nd Letter of Request took around six (6) to seven (7) months. Additionally, Client 1 must pay a worth of PHP30,000.00 for Exclusion Order by way of Immigration Arrears Release Certificate (IARC) and PHP5,000.00 for Express Lane Fee. The Bureau of Immigration also noted that Client 1 is married to a Filipino citizen and his presence in the Philippines poses no risk to public interest. In addition, **Duran & Duran-Schulze Law** requested for a No Derogatory Record to ensure that our client has a clear record in the system of the Immigration of the Philippines before he travelled back to the country again.

Client 2

On January 19, 2024, the Bureau of Immigration Commissioner **approved** Client 2's name to be lifted in the Blacklist. The approval of the Letter of Request took around ten (10) to eleven (11) months.

Client 3

On March 14, 2024, the Bureau of Immigration Commissioner **approved** Client 3's name to be lifted in the Blacklist with the following conditions:

1. He shall post a cash bond of PHP50,000.00 C.A. 613 Sec. 40(b) as a precaution in case of subsequent overstay upon readmission in the Philippines; the cash bond shall be subject to the conditions of C.A. 613 Sec. 40(c) and 42(26).
2. He shall pay PHP15,000.00 for Immigration Arrears Release Certificate (IARC) and PHP10,000.00 for Express Lane Fee as provided by the DOJ-approved (8 October 2015) BI Memorandum Circular SBM-2015-010, Rule 16, Section 1.
3. Non-compliance with the conditions of this LBLO shall constitute breach of the limitations of his admission under C.A. 613, Sec. 37(a)(7) and subject him to deportation proceedings.

Moreover, the approval of the Letter of Request took around seven (7) months.

Conclusion

In this case study, we demonstrate the complexity of the process and challenges of lifting a blacklist order in the Philippines. Each of our clients faced different challenges related to their visa status and personal circumstances, but still achieved successful outcomes through our legal assistance.

Duran & Duran-Schulze Law employed a strategic and thorough approach to address our clients' blacklist order. By meticulously handling the documentation and assisting our clients on solving their immigration problem, we were able to lift their Order successfully.

We are committed to guide our clients with effective solutions in their immigration matters. Our successful handling of these BLO cases illustrates our capability to navigate complex legal challenges and achieve favorable results for our clients.

For individuals facing similar issues with blacklist orders, we highly advise you to consult with a lawyer or law firm that specializes in immigration law. Understanding the lifting process and seeking professional expertise can streamline the process, prevent delays, and help you identify the potential problems throughout the process.

If you need further information and assistance regarding the **Blacklist Order Lifting in the Philippines**, talk to our team at **Duran & Duran-Schulze Law** to know more about the requirements and process. Contact us at **(+632) 8478 5826** or **+63 917 194 0482**, or send an email to **info@duranschulze.com** for more information.