

2017
16th August

ALON

Ocean Wave

PANDIMAN PHILIPPINES Inc.

P&I Correspondent in the Philippines

Topics of interest relating to the Philippine Maritime Industry and Shipping

PHILIPPINES – Restricted Nationals **Vessels maybe refused entry into ports in Mindanao**

Indonesia*
Malaysia
Syria
Turkey*

*temporary



Mindano



Pandiman Philippines Inc.
Pandiman Building
General Luna Street
Intramuros
Manila

Tel: 527 7831 to 40

Email mis@pandiman.com

Visit us at
www.Pandiman.Com



Imposition on movement of restricted nationals on board international vessels entering Philippine ports with particular focus on Mindanao

In our update on the 24th May 2017 we reported on the implementation of Martial Law in Mindanao (southern Philippines). Senate and the House of Representatives met jointly at the end of July and voted to extend martial law in Mindanao until Dec. 31.

The armed conflict in the region between Philippine government forces and alleged Islamic terrorist groups is having ramifications in regards to international vessels with certain nationality crews not being allowed to proceed to ports in Mindanao.

The Philippines has designated lists of nationals;

- ⬆ Those nationals who are allowed to enter the Philippines without a visa for a maximum of 30 days.
- ⬇ Those nationals who are restricted and require specific papers (see table below).

The latest official lists of which nationals fall into which category from the Philippine Bureau of Immigration is from February this year.

Restricted Nationals (the following applies to all nationals listed below wishing to enter any port in the Philippines)

1 Afghanistan +	13 Yemen +	25 Uzbekistan	37 Montenegro
2 Algeria +	14 East Timor ++	26 Albania	38 Serbia
3 Egypt +	15 DPRK +++	27 Armenia	39 Sierra Leone
4 Iran	16 Nigeria +	28 Belarus	40 Tonga
5 Iraq +	17 Sri Lanka +	29 Belize	41 Ukraine
6 Jordan +	18 India ++	30 Bosnia-Herzegovina	42 China PROC +++
7 Lebanon +	19 Azerbaijan	31 Croatia	43 Taiwan
8 Libya +	20 Bangladesh	32 Cuba	44 Hong Kong DI Holders
9 Pakistan +	21 Kazakhstan	33 FYROM	45 Hong Kong CI Holders
10 Palestine +	22 Kyrgyzstan	34 Georgia	46 Malaysian CI Holders
11 Sudan +	23 Tajikistan	35 Nauru	47 Brunei CI Holders
12 Syria +	24 Turkmenistan	36 Moldova	48 Stateless Persons

DPRK= Democratic People's Republic of Korea

FYROM= Former Yugoslav Republic of Macedonia

- + May apply for a visa only from the Philippine Embassy in Islamabad
- ++ May apply for a visa only from the Philippine Embassy in Dili
- +++ May apply for a visa only from the Philippine Embassy in Beijing
- + May apply for a visa only from a Philippine Foreign Service Post in their country of origin or place of legal residence
- +++ Chinese nationals from the mainland coming for tourism purposes and with a valid Australian, Japanese, Canadian, Schengen or US visa do not need a visa for a stay not exceeding seven (7) days provided they possess a return or onward airline ticket.
- ++ Indian nationals may also apply for a visa in any country that requires entry visas to Indian nationals.

Stateless persons may apply for a visa only from a Philippine Foreign Service Post in their country of legal residence, except for those who may apply at any Foreign Service Post because they possess all of the following:

1. Permanent residency in a country with which the Philippines has diplomatic relations;
2. A travel document which entitles re-entry to the country of residence, with such re-entry permit valid for at least six (6) months beyond the contemplated period of stay in the Philippines.
3. Their country of origin has diplomatic relations with the Philippines; and
4. Gainful employment and guarantee by employer that they would not become public charges, or financial independence which would preclude them from becoming public charges.

Current Situation effecting Restricted Nationals and Temporary Restriction on nationals entering ports in Mindanao.

The Philippine Bureau of Immigration has also issued Administrative Order (JHM-2017-006) (please see below) directly related to the on going violence in Mindanao. This has had a direct effect on international vessels arriving in the Philippines recently with Syrian and Turkish crew on board.

While Syrian nations are included on the restricted list, we were surprised that a vessel with Turkish crew was being refused permission having commenced part discharge of cargo in Manila; was advised could not proceed to her second port of Davao in Mindanao. Turkey is on the list dated 14th February 2017 as one of the countries where no visa is required for entry into the Philippines for up to 30 days. The Philippine Bureau of Immigration has not issued a formal document in regards to nationals from Turkey and Indonesia (also a country listed whose nationals require no visa for 30 days). However both have been targeted by the Philippine government as temporarily restricted, allegedly as nationals from both Turkey and Indonesia were discovered fighting for the terrorist groups in Mindanao.

The reason that restricted nationals can (when holding a valid visa) enter ports in most locations around the Philippines but currently not Mindanao is directly related to **Section 2** of the following order (highlighted below);

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF JUSTICE
BUREAU OF IMMIGRATION
MAGALLANES DRIVE, INTRAMUROS
1002 MANILA

**IMMIGRATION ADMINISTRATIVE ORDER NO. JHM-2017-006
STRICT IMPLEMENTATION OF VISA REQUIREMENTS FOR PASSENGERS AND CREW OF
INCOMING VESSELS**

WHEREAS, it is declared a policy of the State to protect life, liberty, and property from acts of terrorism, to condemn terrorism as inimical and dangerous to the national security of the country and to the welfare of the people, and to make terrorism a crime against the Filipino people, against humanity, and against the law of nations:



WHEREAS, Section 53 of Republic Act No. 9372 or An Act to Secure the State and Protect our People from Terrorism defines the composition of the Anti-Terrorism Council, designating the Bureau of Immigration as one of its support agencies;

WHEREAS, said Act states that council members are tasked to formulate and adopt comprehensive, adequate, efficient, and effective anti-terrorism plans, programs and counter-measures to suppress and eradicate terrorism in the country and to protect the people from acts of terrorism;

WHEREAS, recent events reporting possible terrorist activities involving foreign nationals prompt for stricter immigration regulation;

NOW, THEREFORE, pursuant to Book IV, Chapter 6 Sections 29 and 36(2) of Executive Order No. 292, as amended, otherwise known as the “Administrative Code of 1987”, in relation to Section 3 of Commonwealth Act No. 613, as amended, otherwise known as the “Philippine Immigration Act of 1940”, the following are hereby ordered:

Section 1. Duties of the Seaport Operations Section – It is within the duties of the Seaport Operations Section to ensure that Immigration Officers will conduct boarding formalities and inspect all incoming vessels.

Immigration Officers assigned to board said vessels shall require the master of the ship or the vessel to provide the list of all crew members and passengers in the vessel, and shall ensure that they are with proper and valid immigration documents required by documentation.

Boarding formalities shall be conducted to confirm the purpose of entry, verify the length of the vessel in Philippine territorial waters, identify all Philippine ports, that the vessel intends to dock in, and monitor its scheduled departure from the country.

The Immigration Officers shall ensure that there are no stowaways on board, that proper clearance is duly granted to the crew or passengers who wishes to go off board, and that passengers are complete on departure, or that any passenger or crew left behind is properly reported, monitored, or guarded.

The Seaport Operations Section is likewise directed to coordinate and work closely with partner agencies (Customs and Quarantine) to ensure that all pertinent national policies on seaport border control are observed and implemented on board the vessel.

Section 2. Port of Call – the Notice of Arrival shall include the list of all Philippine ports the vessel intends to dock in, and each port will be subject to the approval of the Chief, IRD, as recommended by the Chief, SOS. Further, vessels with restricted nationals on board shall be prohibited from making calls in ports that are:

- a. Areas of Conflict;
- b. Areas of International Assembly;
- c. Places where the President and/or other key officials of Government are present; and
- d. Other areas that may be identified by the Commissioner or his authorized representatives.



Section 3. Visa Requirements – Vessels and its agents shall submit their Advance Notice of Arrival, along with a detailed visaed crew and passenger list, to the Chief of the Seaport Operations Section and to the Officer-in-Charge at least forty eight (48) hours before the actual arrival of the vessel.

2.1 High Risk and Restricted Passengers and Crew – Vessels and agents who are unable to comply with the visa requirement and carry on board high risk or restricted nationals, whether passenger or crew, will not be allowed to make port of calls in any port of the country unless with the express

approval of the Chief, Immigration Regulation Division, as recommended by the Chief, Seaport Operations Section.

If crew members are not visaed, the Immigration Officer-in-Charge shall require the Captain or Master of the vessel to explain in writing why they were not able to secure a visaed crew list prior to their arrival in the country.

If the reasons are meritorious or among the exceptions provided by law, and the same has been approved by the Chief, SOS and Chief, IRD, the Officer shall require the payment of the crew list fee for non-restricted nationals.

2.2 Crew Exemptions – Vessels carrying high risk or restricted crew under the following categories shall not be allowed to make port of calls in any port in the country unless with the approval of the Chief, IRD, as recommended by the Chief, SOS:

- a. Vessels proceeding from a port or place where no Philippine Consular Officer is stationed and it is not possible for such vessel or aircraft to comply with the crew list requirements;
- b. Vessels owned entirely by the government;
- c. A member of the crew of a vessel who is in possession of a appropriate individual visa or re-entry permit;
- d. A member of the crew of the vessel or aircraft in whose individual case an emergency waiver of the crew list visa requirement has been granted by the Secretary of Foreign Affairs; and
- e. Vessels proceeding from one foreign place or another which is diverted from the course under emergency conditions and enters the port of the Philippines provided the crew list requirement is waived by the President.

Section 4. Sanctions – Failure to comply with the above mentioned requirements shall be grounds to deny the docking of the vessel in any port of the country.

Unauthorized arrivals and departures of passengers and crew, and unauthorized dockings shall be grounds for detention of the vessel’s Captain, Master, crew, and passengers (if any), to be subjected to deportation proceedings.

Any violation shall merit an administrative fine *per head* to be charged against the vessel’s local agent.

Section 5. Supersession Clause – All circulars, memoranda, orders, and other issuances inconsistent with this Order are hereby repealed, amended or modified accordingly.

Section 6. Effectivity – This Order shall take effect immediately upon approval.



Let a copy of this Order be furnished to the Office of the National Administrative Register (ONAR),
U.P. Law Center, University of the Philippines, Diliman, Quezon City

JAIME H. MORENTE
Commissioner
Date Signed: 13 July 2017

In the above order **Section 2 Item (a) "Areas of Conflict"**, Mindanao is under Martial Law and therefore restricted nationals are prohibited.

In regards to vessels calling ports in the Philippines and have multiple discharge ports, then in regards to the temporarily listed restriction of Turkish and Indonesian nationals this can be petitioned on a case by case basis before the government.

The fighting continues in Mindanao and we shall provide further updates in how this affects international shipping.

Andy Malpass – Master Mariner - President & GM
Pandiman Philippines, Inc.
Manila

