

MALACAÑANG
Manila

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BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 285

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MFN 9444

**AMENDING THE GUIDELINES GOVERNING THE ENTRY AND STAY OF
FOREIGN STUDENTS IN THE PHILIPPINES AND THE
ESTABLISHMENT OF AN INTER-AGENCY COMMITTEE ON
FOREIGN STUDENTS FOR THE PURPOSE**

WHEREAS, it is the policy of the government to continuously promote the Philippines as a center for education in the Asia Pacific Region by (i) encouraging foreign students to study in the country, (ii) developing awareness of the Philippine educational system among neighboring countries, and (iii) allowing duly accepted foreign students to avail of the facilities of the Philippine educational system;

WHEREAS, an increasing number of foreign students has expressed the desire to enter and study in the Philippines, and graduate from Philippine schools, colleges and universities;

WHEREAS, the Philippine government recognizes the importance of openness and vigilance in determining *bona-fide* foreign students who wish to avail themselves of education and training in the Philippine educational institutions and benefit from an enriched exchange of culture, ideas and goodwill among nations in the region;

WHEREAS, studying in the Philippines will afford foreign students of Filipino descent excellent means and opportunity to appreciate and understand their roots and rich cultural heritage;

WHEREAS, the government policy of attraction for foreign students to come to the country will help boost the nation's prospects to improve its economic environment;

WHEREAS, there is a need to liberalize the procedures and requirements in the entry of foreign students without compromising national security by providing a systematic method in the processing and approval of their documents.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order the following:

SECTION 1. *Basic Policies and Procedures.* The following policies and procedures shall be observed by all entities concerned:



A. Coverage

Only aliens who seek temporary stay in the Philippines solely for the purpose of taking up a course higher than high school at a university, seminary, college, academy, or school duly authorized to admit foreign students who are at least 18 years of age at the time of enrollment and have the means sufficient for their education and support of study are covered under this order.

B. Acceptance

Only schools with programs accredited by the Federation of Accrediting Agencies of the Philippines (FAAP) or with the equivalent accreditation by the Commission on Higher Education (CHED) and the Bureau of Immigration (BI) shall be authorized by the Commission to admit foreign students. The CHED shall prepare, at regular intervals, an updated list of such schools, in consultation with the BI, taking into account their respective mandates under existing laws and regulations. Copies of the list shall be furnished the BI, the Department of Foreign Affairs (DFA), the National Bureau of Investigation (NBI), the National Intelligence Coordinating Agency (NICA) and the schools authorized to admit foreign students. All schools so authorized shall establish a foreign student unit within their organization. To maintain their authority, the schools, through their foreign students unit, shall submit the following reports to the BI, copy furnished the CHED and NICA:

- a) an enrollment report on foreign students 45 days after commencement of classes every semester. The names of those who have been accepted but failed to enroll, either for the first time or subsequent terms, should be included in the said report.
- b) a monthly status report, as may be deemed necessary, with emphasis on whoever is missing, has transferred, dropped from the rolls or with derogatory records.
- c) a report on promotions with inclusions of those who failed to take the final examinations and those with deficiencies.

Failure to comply with the above-required reports shall be a ground for cancellation by the CHED of the authority to admit foreign students.

The Certificate of Eligibility for Admission (CEA) addressed to the accepting school shall be cleared by the CHED only in cases where restrictions exist on enrollment of foreign students due to shortage of facilities, such as enrollment in medicine and dentistry.

The CHED and the Department of Education, Culture and Sports (DECS) shall provide assistance to schools in regard to issues on comparative equivalences between foreign educational systems and those of the Philippines.



Accreditation of advanced credits earned in college or earned credits in Science, English and Mathematics in the 11th and 12th year levels of secondary education in foreign countries shall be limited only to the authorized number fixed by the CHED. Grant of credits in excess of the authorized number of advanced credits for degree course shall be subjected to validating examinations to be administered by the accepting educational institutions subject to information of the CHED.

Enrollment in any level shall require completion of the lower particular level, e.g., an applicant for the tertiary or collegiate level must be a graduate of high school or its equivalent.

The individual school may launch information campaigns to solicit and receive applications directly from prospective foreign students. The schools, for these purposes, may seek the assistance of the DFA and the Department of Tourism.

The processing of documents shall be between the school and the government agency concerned.

The foreign students shall communicate directly with the school and comply with the school's institutional requirements, which shall include the submission of the following documents;

- a) Five (5) copies of the Student's Personal History Statement (PHS) duly signed by him, both in English and in his national alphabet accompanied by his personal seal, if any, and containing, among others, his left and right thumbprints and a 2 x 2 inch photograph on plain white background taken not more than six months prior to submission.
- b) A notarized affidavit of support including bank statements or notarized notice of grant for institutional scholars to cover expenses for the students accommodation and subsistence, as well as school dues and other incidental expenses.
- c) Scholastic records duly authenticated by the Philippine Foreign Service Post located in the student applicant's country of origin or legal residence.
- d) Photocopy of data page of the student's passport showing date and place of birth, and birth certificate or its equivalent duly authenticated by the Philippine Foreign Service Post.

The school, satisfied with the student's compliance with its requirements, shall issue a Notice of Acceptance (NOA) to the student and submit a duplicate copy thereof of the DFA, together with a certified true copy of the CHED's CEA, when necessary, and the above-cited document-requirements of Section 1-B-7 a to d. These documents shall be handcarried to the DFA by the school's designated liaison officer under a cover letter



on the school's official stationery signed by the school registrar and stamped with the school's dry seal requesting that a student visa be issued to the person named therein.

The DFA shall indorse the documents to the Philippine Foreign Service Post located in the student's country of origin or legal residence for the issuance of the student visa after ascertaining the student's identity and admissibility under existing DFA regulations.

C. Issuance of Visas

Foreign students whose applications for student visa are approved are required to secure their visa from the Philippine Foreign Service Post in their country of origin or legal residence, regardless of where they are at the time of application.

The Philippine Foreign Service Post shall notify in writing the student of the receipt of the documents and require him to appear in person before a Consular Officer for interview and compliance with consular requirements. In addition to the documents transmitted to the post of the DFA, the following requirements shall be submitted by the student to the Consular Office:

- a) Original copy of the school's NOA containing a clear impression of the school's dry seal;
- b) Police clearance issued by the national police authorities in the student's country of origin or legal residence, authenticated by the Philippine Foreign Service Post having consular jurisdiction over the place; and
- c) Medical health certificate issued by an authorized physician including but not limited to standard-size chest x-ray, HIV, Hepatitis B clearance. The consular office shall not assume the task of determining the student's scholastic fitness for the program applied for and shall issue the student visa as soon as all the requirements are accomplished. A notice of visa issuance shall be furnished by the DFA to the school, the CHEC, BI and NBI and the NICA as soon as it receives a report to this effect from the issuing post.

D. Arrival and Stay in the Philippines

Upon arrival in the Philippines, the student, as part of the requirements for processing his entry, shall report immediately to the BI Students Desk for registration and to the accepting school and shall enroll in the school which issued this NOA. The school shall reassess the student's competency level and establish his scholastic comparative equivalence, when necessary.

The school, through its foreign student unit, shall assist the student in obtaining the necessary Alien Certificate of Registration (ACR) and Certificate of Residence for Temporary Students (CRTS) from the BI. The student's authorized period of stay shall



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be consistent with the length of the course of study to which he has been accepted by a Philippine school. The initial period is one year, then, is renewed by the BI Student Desk every semester and for cause, maybe approved for one year.

A foreign student who wishes to pursue another degree program higher than the original course completed shall submit all appropriate clearances/endorsements to include Personal History Statement form duly accomplished, notarized affidavit of support, official transcript of record, NBI clearance and NOA from his admitting school and other concerned agencies to the BI for approval and subsequent processing of student visa extensions.

Shifting of course or change of school shall require prior CHED/DECS clearances.

Authorization for conversion from tourist's visa category to that of a student visa or issuance of Special Study Permit is hereby restored.

The concerned school and the Inter-Agency members shall provide assistance to the foreigners who are already in the country under any valid visa arrangement and who apply/petition for the conversion of their status to 9f student visa or for the issuance of a Special Study Permit provided all relevant prerequisites are complied with, and provided further, that safeguards to national security concerns/interests are adequately and appropriately undertaken by all concerned agencies.

The BI shall establish a Foreign Student Desk which shall have the following functions:

- a) To handle and screen all applications/petitions of foreigners for conversion from any valid category admission to student visa or for the issuance of Special Study Permit and recommend appropriate course of action to the BI Commissioner.
- b) To process and act on 9f student visa extension application and to approve the same per semester or for cause, per year;
- c) To accredit Higher Educational Institution (HEIs) to accept foreign students in coordination with CHED;
- d) To implement approved 9f conversion and downgrading from 9f to 9a;
- e) To issue BI clearance to student visa applicants;
- f) To monitor the activities of foreign students.



E. Monitoring

Within a month and a half after the start of classes, the school, through its foreign students unit, shall submit to the BI, copy furnished CHED, NICA and NBI, an enrollment report on all foreign students with inclusion of names of foreign students who have been accepted but failed to enroll, either for the first time or for subsequent terms. Further, it shall submit a monthly status report to the BI, as may be deemed necessary, on whoever are missing, have transferred, dropped from the rolls and with derogatory record. Finally, at the end of each term, the school shall also report to the BI those foreign students who failed to take the final examinations for the term and those who have completed their courses. The report on promotions shall be submitted to the BI for appropriate action on requests for student visa extension. Non-compliance by schools to submit the reports shall be a ground for the cancellation by the CHED of their authority to accept foreign students.

The NICA and the NBI shall check, whenever necessary, the activities of foreign students brought to their attention which appear to be inimical to the security of the State. Criminal complaints filed against foreign students shall be referred to the NBI for investigation and appropriate action. These agencies shall undertake steps necessary to safeguard the due process of valid application, visa issuance and entry authorization of foreign students in the country.

The BI shall investigate, apprehend and prosecute, if necessary, foreign students who are not complying with Philippine immigration laws and regulations. Violation of immigration laws and regulations shall be a ground for the cancellation of a student visa and deportation of the student concerned.

F. Exemption

The following shall be exempt from the coverage of this Executive Order:

1) Tertiary enrollment in Philippine schools of the spouses and unmarried dependent children below 21 years old of the following categories of aliens shall not be required to secure a student visa and the BI special study permit;

- a) A permanent foreign resident;
- b) Aliens with valid working permits under Section 9(d), 9(g) and 47(a)(2) of the Philippine Immigration Act of 1940, as amended;
- c) Personnel of foreign diplomatic and consular missions residing in the Philippines;
- d) Personnel of duly accredited international organizations residing in the Philippines;



- e) Holders of Special Investor's Resident Visa (SIRV) and Special Retirees Resident Visa (SRRV); and
- f) Foreign students coming in the Philippines with 47(a) (2) visas issued pursuant to existing laws, e.g. P.D. 2021.

This privilege is also extended to the principals who may wish to take advantage of the educational facilities on the country.

2) Children of the above-mentioned admission categories who are already enrolled before their marriage and/or before reaching the age of 21 years shall be allowed to finish their studies and convert their admission category to that of student visa under Section 9(f) of the Philippine Immigration Act of 1940, as amended, for as long as their principals remain in the country.

3) Spouses and children of personnel of foreign diplomatic and consular missions and duly accredited international organizations located in the Philippines who desire to remain in the Philippines to enroll for the first time or finish their studies higher than high school and qualify under prescribed regulations, shall be allowed to convert their admission category to that of a student visa under Section 9(f) of the Philippine Immigration Act of 1940, as amended, in accordance with the applicable procedure, in the event their principals lose their admission category as Foreign Government Official under Section 9(e) of the Philippine Immigration Act of 1940, as amended. The privilege is also extended to the principals who may wish to take advantage of the educational facilities of the country.

SEC. 2. Establishment and Composition of the Committee on Foreign Students.

There is hereby created an Inter-Agency Committee of Foreign Students herein referred to as the Committee, which shall have the following membership:

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| a) Commission on Higher Education | Chairman |
| b) Department of Foreign Affairs | Co-Chairman |
| c) Department of Education Culture and Sports | Member |
| d) Bureau of Immigration | Member |
| e) National Bureau of Investigation | Member |
| f) National Intelligence Coordinating Agency | Member |

SEC. 3. Duties and Responsibilities of the Committee. The Committee shall have the following duties and responsibilities:

- a) Promulgate simplified procedures and implementing guidelines governing the entry and stay of foreign students in the Philippines, as well as rules and regulations limiting school transfer and course shifting of foreign students in accordance with the provisions of the Executive Order within sixty (60) days from the effectivity hereof;



- b) Monitor and coordinate the implementation of this Executive Order with the department and agencies concerned;
- c) Meet regularly to assess the progress of the whole program to ensure that the promotion of the Philippines as a center for education in the region is effectively encouraged and undertaken;
- d) Request representatives from other agencies and/or the private sector to attend its meetings, when it deems necessary and proper; and
- e) Submit a semi-annual report to the Office of the President, through the Office of the Executive Secretary, on the status of the foreign students in the country. The report shall be submitted before the end of September and February of the first and second semester, respectively, of each school year.

The CHED shall provide the secretariat to support the Committee.

SEC. 4. Penalty Clause. Any school found, after due investigation, by the CHED and/or the BI to have violated any provision on compliance shall suffer cancellation of the authority to admit foreign students.

SEC. 5. Repealing Provision. All executive issuances, regulations, or any part thereof, which are inconsistent with the provisions of this Executive Order are hereby repealed or modified accordingly.

SEC. 6. Separability Clause. If, for any reason, any part or provision of the Executive Order shall be held unconstitutional or declared contrary to law, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 7. Effectivity. This Executive Order shall take effect immediately.

DONE in the City of Manila this 4th day of September, in the year of our Lord, two thousand.

By the President:



RONALDO B. ZAMORA
Executive Secretary

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Date

