



**15TH NATIONAL
CONVENTION
ON STATISTICS**

03-05 OCTOBER 2022



*Organized by the Philippine Statistical System Spearheaded by the Philippine
Statistics Authority*

STATELESSNESS IN THE PHILIPPINE CONTEXT

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Persons Protection Unit (RSPPU)
Department of Justice

**National Protection Framework and
Landscape**

Crowne Plaza Galleria Manila
3:30 – 5:00PM, 04 October 2022



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**National Protection Framework &
Landscape**
Statelessness



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Who is a Stateless Person?

*One “who is **not considered as a national by any State under the operation of its law.**”*

- Article 1(1), 1954 Convention Relating to the Status of Stateless Persons
- Sect. 1(r), Rule I, Department of Justice Circular No. 24, s. 2022



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National Legal Framework

- 1939 In re: Petition of Gloria Baldello for Naturalization as a Filipino citizen
- 1940 Commonwealth Act (C.A.) No. 613, The Philippine Immigration Act of 1940, as amended
- 1948 Kookooritchkin v. The Solicitor General
- 1951 Bermont v. Republic of the Philippines
Boris Mejoff v. Director of Prisons
Chirskoff v. Commissioner of Immigration and Director of Prisons
Andreu v. Commissioner of Immigration and Director of Prisons
- 1955 Philippine signs 1954 Convention relating to the Status of Stateless Persons**
- 1962 Ong See Hang v. Commissioner of Immigration
- 1987 Executive Order (E.O.) No. 209, The Family Code of the Philippines
- 1993 NSO A.O. No.1, s. 1993, Implementing Rules and Regulations of Act No. 3753
- 1996 Republic Act (R.A.) No. 8239, Philippine Passport Act of 1996



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National Legal Framework

1998	DOJ Department Order No. 94
2004	NSO Memorandum Circular No. 2004-01
2011	Accession to the 1954 Convention relating to the Status of Stateless Persons
2012	Department of Justice Circular No. 58 Department of Labor and Employment Circular No. 120-12
2013	Memorandum of Understanding between UNHCR and Public Attorney's Office
2015	DOJ Circular No. 793 Republic v. Karbasi Revised Rules for the Issuance of Employment Permits to Foreign Nationals Development of the 10-year National Action Plan (NAP) to End Statelessness
2018	DOLE issuance exempting stateless persons from securing AEP DTI issuance relaxing the requirements for business registration DOJ Circular No. 26 for Persons of Indonesian Descent (PID) Inclusion of stateless persons and at-risk of statelessness populations in the PhilSys Act



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National Legal Framework

- 2019 DOLE – DOJ – BI Joint Guidelines on the Issuance of Work and Employment Permits to Foreign Nationals

BI Operations Order No. JHM-2019-004 on the issuance of ACR or ACR I-Card to RINs
- 2020 Joint Memorandum Circular (DOLE and DOT) 2020-001 – Inclusion of persons of concern (POC) as beneficiaries for financial assistance for displaced workers in the tourism sector

Department of Labor and Employment DO 218-20 – Inclusion of POC as beneficiaries in the COVID-19 Adjustment Measures Programme (CAMP)

Department of Trade and Industry DO 20-54 – Inclusion of refugees and stateless persons as beneficiaries in DTI's livelihood seeding programme

Department of Health Memorandum No. 2021-0157 which clarifies that POC shall be “included in priority groups appropriate to their circumstance” pursuant to the National Development and Vaccination Plan for COVID-19 Vaccines

Supreme Court MC 87-2020 – Special Committee on Facilitated Naturalization for Refugees and Stateless Individuals



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National Legal Framework

2021 Inclusion of POC in Chapters 11 and 21 of the updated Philippine Development Plan 2017-2022
(institutionalizing access to services and enhancement of legal framework)

Issuance of the Department of Health, National Task Force Against COVID-19, and Food and Drug Administration Joint Memorandum Circular No. 2021-0001 which includes POC, regardless of immigration status, in the implementation of the COVID-19 Vaccination Program.



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National Legal Framework

2022

Accession to the 1961 Convention on the Reduction of Statelessness

Enactment of R.A. No. 11767 (Foundling Recognition and Protection Act)

Issuance of Philippine Statistics Authority 2021-24 on the guidelines of registration of birth certificates for foundlings

Issuance of Executive Order (EO) No. 163, series of 2022 institutionalizing access to protection services for POC

Approval of the Rule on Facilitated Naturalization on Refugees and Stateless Persons

Issuance of Philippine Health Insurance Corporation (PhilHealth) Circular 2022-0003 which includes POC beneficiaries in the availment of COVID-19 packages

Issuance of DOJ Circular No. 24, series of 2022 enhancing the rules for refugee and stateless status determination

Finalization of the Data Sharing Agreement (DSA) between the DOJ and UNHCR



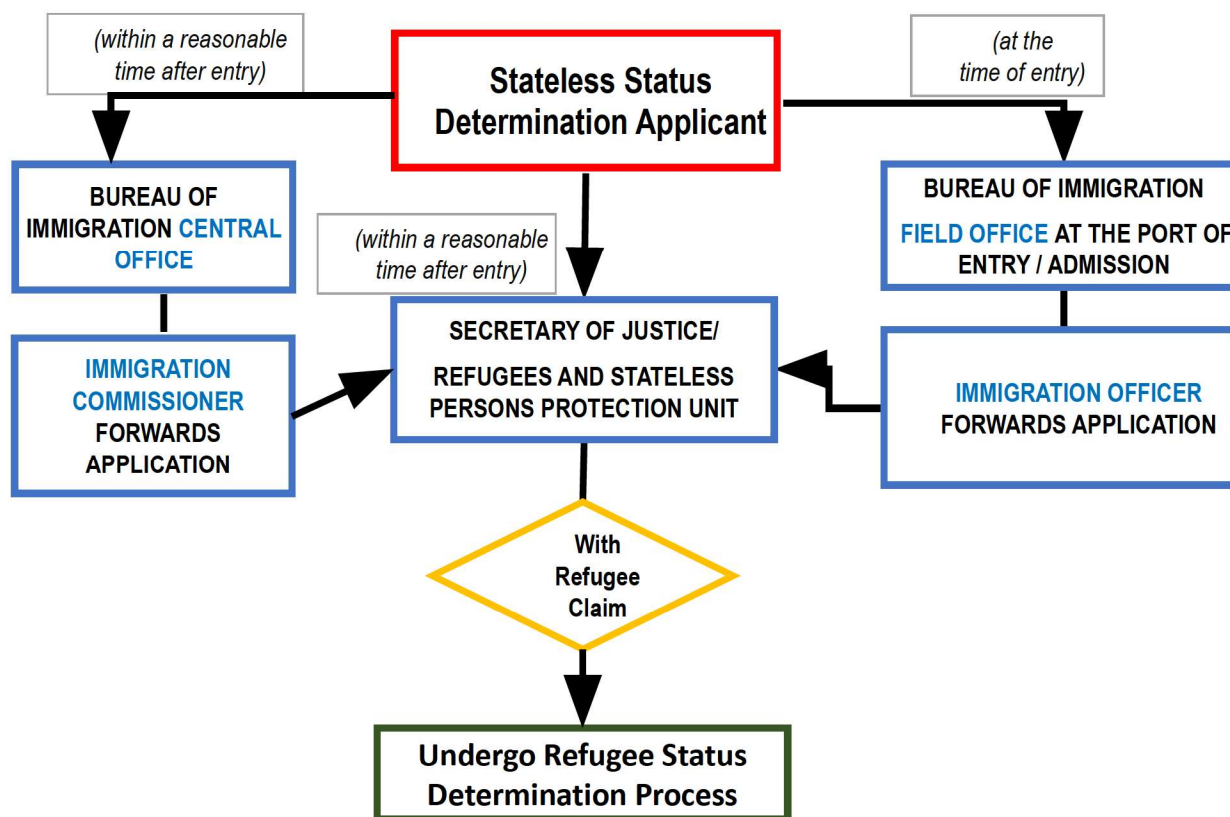
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Stateless Persons vs. At-Risk Populations

Stateless Persons

- Recognized by the Department of Justice – Refugees and Stateless Persons Protection Unit

*Department of Justice Circular No. 24,
series of 2022*

Populations at Risk of Statelessness

- Identified by the State through a series of roundtable discussions in 2010-2011
- In situ and in migratory settings



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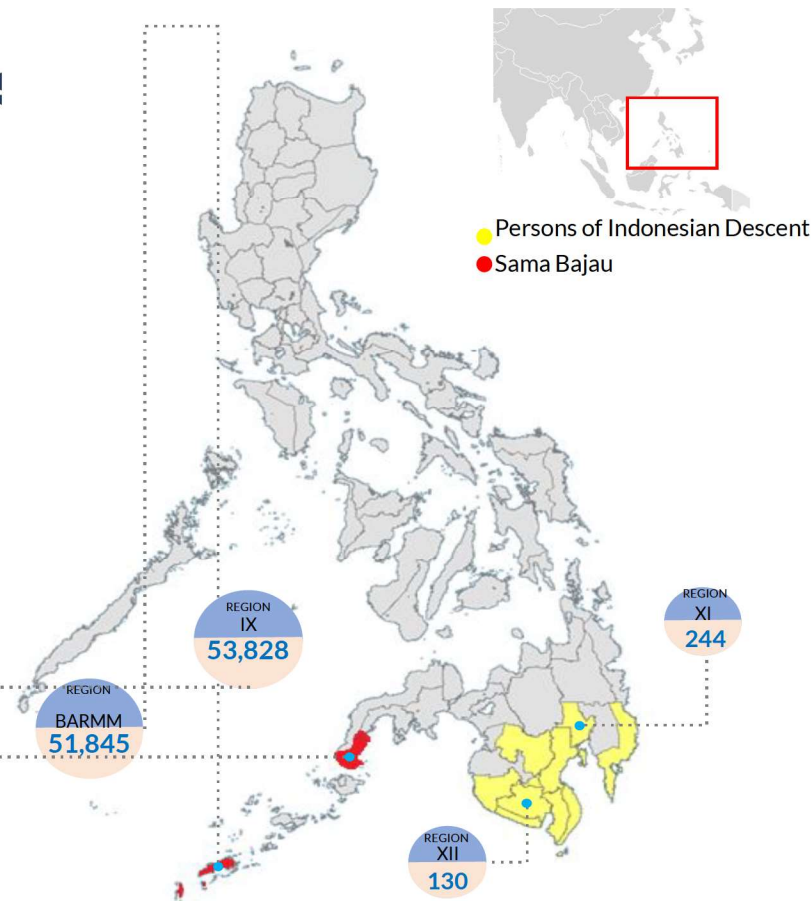
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5 Populations at Risk of Statelessness Philippines

1. Persons of Indonesian Descent

2. Sama Bajau

Location	In Southern Philippines	Sea-faring indigenous peoples group in the Philippines and Southeast Asia
Cause of Statelessness Risk	Indonesian citizenship law	Itinerant lifestyle/frequent border-crossing and generations of non-registration of birth
Data	8,745 registered PIDs 8,503 (97%) of those are confirmed as either Filipino, Indonesian, or limited dual citizenship (as of end of December 2021)	130,066 Sama Bajau (2010 Philippine Census), mostly in Region IX and BARMM Around 1,400 registered as of end of December 2021 (Birth Registration in Zamboanga City and Bongao, Tawi-Tawi; as of end of December 2021)





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5 Populations at Risk of Statelessness

Philippines

3. Unregistered Children

4. Children of Philippine Descent in Migratory Settings

5. Foundlings

Location	Different areas, mostly in Southern Philippines (BARMM and Region XII)	Middle East and Sabah	In the Philippines (specific location unidentified)
Cause of Statelessness Risk	Unable to register births of these children and acquire birth certificate as proof of legal identity due to:		
	Non-accessible/functioning civil registries in conflict areas/displacement settings	<ol style="list-style-type: none"> Lack of a consular office in Sabah (territorial dispute) Stringent immigration policies which can affect job security of Overseas Filipino Worker (OFW) parent/s and limitations or lack of access to services 	Difficulties in establishing parentage
Data	Birth registration rate in: BARMM: 37.9% Region XII: 81.4%	<p>Around 9,000 undocumented children in Middle East, Malaysia, among others (2018 to 2020)</p> <p>Around 2,000 to 3,000 undocumented children born of parent/s in Saudi Arabia (2011)</p> <p>12,792 prepared birth certificates for undocumented Filipino workers at palm plantations and their beneficiaries (ongoing consular missions in Sabah)</p> <p>Around 55,000 to 97,000 individuals in Sabah (Immigration Office of Malaysia, 2018)</p>	6,646 foundlings (as of 10 May 2022; unofficial Philippine Statistics Authority data)

Persons of Japanese Descent

- Also known as: Philippine Nikkei-Jin
- Children of Japanese citizens who migrated from the late 19th century to 1945 to the Philippines and Filipino women.
- Cause of risk of statelessness: conflict of laws
 - Japanese Nationality Law: Acknowledge paternity and registration
 - 1935 Philippine Constitution: Election of Philippine citizenship upon reaching the age of majority.
- Remains unmapped
- Data*
 - Initially identified 3,000 PJDs in 2016
 - 910 PJDs with alive / unknown vital status as of 5 May 2020
 - Decreased to approximately 700 by fall of 2021
 - Average age: 83 years old

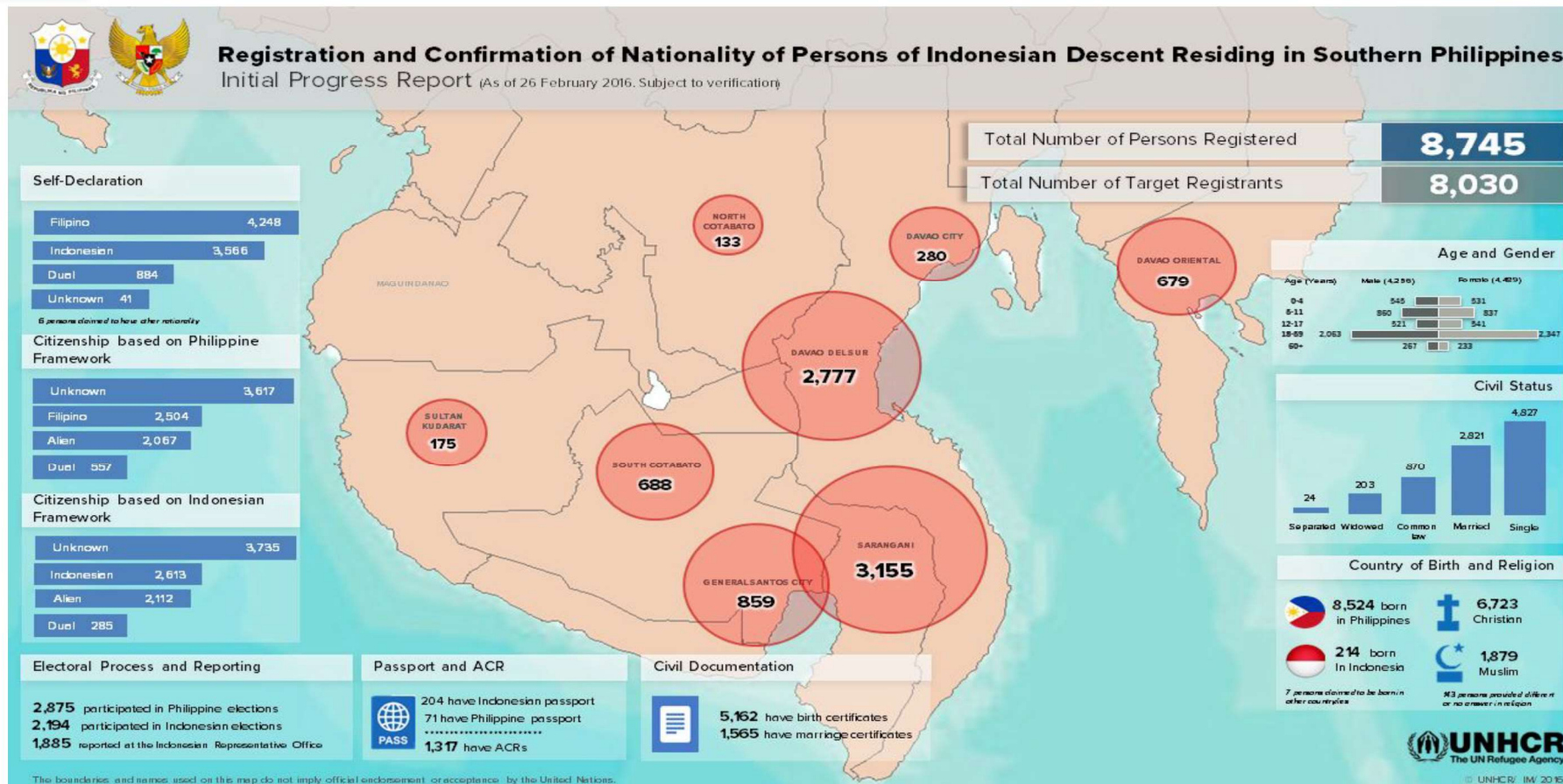


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2010-2021: Our Progress

Registration and Confirmation of Nationality of Persons of Indonesian Descent Residing in Southern Philippines

In 2010, UNHCR commissioned a desk review to determine an estimate number of PIDs, their locations and protection risks they may be facing. In 2012, a mapping exercise was conducted covering ten (10) provinces in two (2) regions in southern Mindanao. In 2014, registration missions were organized. Since 2017, solutions missions were held to confirm their citizenship based on birth certificate and other documents. 27% or 2,400 cases had been closed due to no-show, notably due to lack of interest to pursue solutions; return to Indonesia; or movement in an undisclosed location. To date, 728 persons were assisted in facilitating the issuance of their birth certificate; 77 persons were supported in filing administrative correction of entries; and 32 persons with judicial correction of entries.

Timeline



Note: Subject to verification | Data as of 15 December 2021

Solutions provided



33% (2,879 persons)
Confirmed Indonesian



32% (2,758 persons)
Confirmed Filipino



5% (466 persons)
Limited dual citizen



27% (2,400 persons)
Non appearance



3% (242 persons)
Pending cases



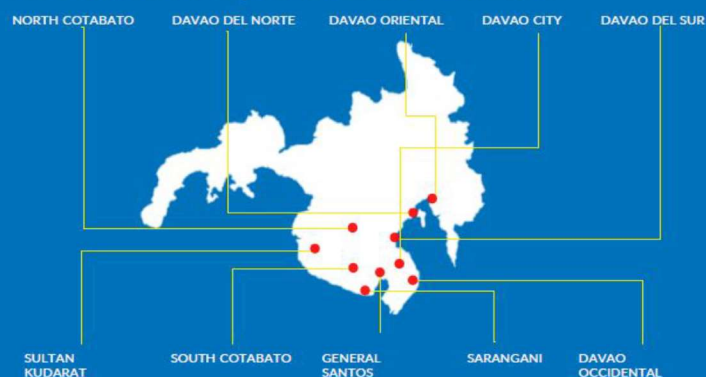
228 persons
Pending COLB

49 Pending COLB
179 Did not comply with
requirements for COLB



14 persons
Pending COLB
Authorization

Location of PIDs provided with solutions



UNHCR
The UN Refugee Agency



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MANIFESTED PLEDGES 2019 High-Level Segment on Statelessness

07-08 October 2019, Geneva



1. Enhance the **policy, legal, and operational framework for stateless persons** to ensure their full access to rights as guaranteed by the 1954 Convention Relating to the Status of Stateless Persons including their facilitated naturalization and as may be provided by national laws;
2. Improve **access of vulnerable and marginalized populations to documentation** through birth and civil registration;
3. Continue the **study of statelessness**, with a thrust to improve qualitative and quantitative data on populations at risk of statelessness in the Philippines and among its nationals, in continuation of efforts initiated in 2011;
4. Continue the process of **accession to the 1961 Convention** on the Reduction of Statelessness by 2024;
5. **Cooperate with UNHCR** by supporting projects, continuing fund contributions, and by building or expanding partnerships; and,
6. Continue **leadership in ASEAN in the development of a human rights framework** and provide **technical support to other States** in dealing with issues relating to stateless persons.



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For further information, please contact:

**Department of Justice-Refugees and Stateless
Persons Protection Unit (DOJ-RSPPU)**

Email: rsppu@doj.gov.ph | Tel. No. (02) 8523-8481 to 89



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Thank you!



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