



Birth Registration and Statelessness in the Philippine Context

(National Legal Framework on Statelessness)

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
- Section 1(e) Department of Justice Circular No. 58

International Framework

Statelessness Conventions	Year of Ratification
1954 Convention Relating to the Status of Stateless Persons	2011
1961 Convention on the Reduction of Statelessness	x

Conventions	Year of Ratification
CCPR	1986
CESR	1974
CERD	1967
CEDAW	1981
CAT	1986
CRC	1990
CMW	1995
CRPD	2008

SDG 16.9

1951 Refugee Convention and its
1967 Protocol

Global Compact on Refugees

Global Compact on Safe,
Orderly, and Regular Migration

National Legal Framework

1939	In re: Petition of Gloria Baldello for Naturalization as a Filipino citizen
1940	C.A. No. 613 “The Philippine Immigration Act of 1940” (Sec. 13)
1948	Kookooritchkin v. The Solicitor General (stateless-refugee)
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	E.O. 209 “The Family Code of the Philippines” (Art. 21 – mere affidavit re cert of legal capacity to contract marriage)
1993	NSO A.O. No.1 Series of 1993 “Implementing Rules and Regulations of Act No. 3753”
1996	Republic Act No. 8239 “Philippine Passport Act of 1996” (Sec. 13[e] – travel document)

National Legal Framework

1998	DOJ Department Order No. 94 (creation of the DOJ-RPU)
2004	NSO Memo Circular No. 2004-01 (birth registration of children in need special protection)
2011	Accession to the 1954 Convention relating to the Status of Stateless Persons
2012	Department of Justice Circular No. 58 (establishment of RSSD & creation of DOJ-RSPPU) Department of Labor and Employment Circular No. 120-12 (AEP exemption)
2013	Memorandum of Understanding between UNHCR and Public Attorney's Office
2015	Department of Justice Circular No. 793 Republic v Karbasi Ruling (relaxation of requirements in Judicial Naturalization Law) Revised Rules for the Issuance of Employment Permits to Foreign Nationals 10-year National Action Plan to End Statelessness developed (NAP)
2016	Poe-Llamanzares v. COMELEC, and David v. SET and Poe-Llamanzares (re citizenship of foundlings in PH territory)
2017	Inter-Agency Agreement on the Protection of Asylum Seekers, Refugees, and Stateless Persons in the Philippines DOLE Order No. 186-17 (exempting refugees and stateless persons from AEP)
2018	DTI issuance relaxing the requirements for business registration DOJ Department Circular 26 for the Persons of Indonesian Descent (PID) TESDA Circular No. 24-2018: Guidelines in the Implementation of TESDA's Role in the Protection of Asylum Seekers, Refugees and Stateless Persons in the Philippines Inclusion of stateless persons and at-risk populations in the PhilSys Law

National Legal Framework

2019	DOLE – DOJ – BI Joint Guidelines on the Issuance of Work and Employment Permits to Foreign Nationals
2020	<p>Joint Memorandum Circular (DOLE and DOT) 2020-001 – Inclusion of POC as beneficiaries for financial assistance for displaced workers in the tourism sector</p> <p>Department of Labor and Employment DO 218-20 – Inclusion of persons of concern (POC) as beneficiaries in the COVID-19 Adjustment Measures Programme (CAMP)</p> <p>Department of Trade and Industry DO 20-54 – Inclusion of refugees and stateless persons as beneficiaries in DTI’s livelihood seeding programme</p> <p>Supreme Court MC 87-2020 – Special Committee on Facilitated Naturalization for Refugees and Stateless Individuals</p> <p>Department of the Interior and Local Government (DILG) Memorandum Circular No. 2020-153 which institutionalizes the ad-hoc assistance extended by local government units (LGUs) to POCs</p>
2021	<p>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)</p> <p>Department of Health Memorandum No. 2021-0157 which clarifies that persons of concern shall be “included in priority groups appropriate to their circumstance” pursuant to the National Development and Vaccination Plan for COVID-19 Vaccines</p> <p>DOLE-DOT Joint Memorandum Circular No. 2021-001 includes persons of concern as possible beneficiaries under the Amended Implementing Guidelines on Providing Financial Assistance and Cash-for-work program for Displaced Workers in Tourism Sector</p>

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. 58, series of 2012

Populations at Risk of Statelessness

- Identified by the State through a series of roundtable discussions in 2010-2011
- *In situ* and in migratory settings
- **DE FACTO Statelessness** – person who is a national in law but in practice cannot exercise his/her citizenship rights

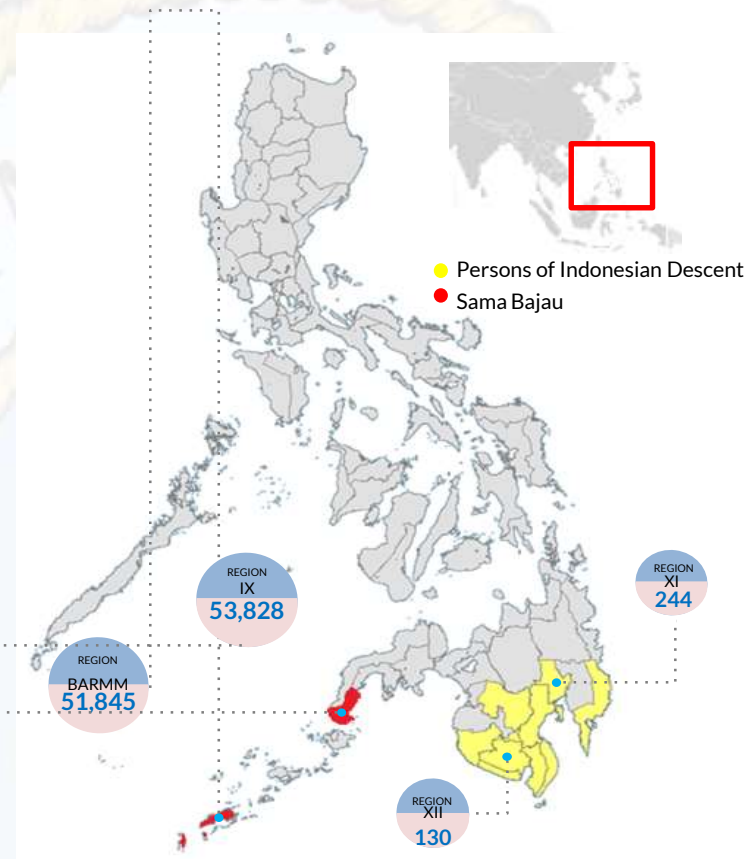
5 Populations at Risk of Statelessness

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; 8,371 (96%) of those are confirmed as either Filipino, Indonesian, or limited dual citizenship (as of December 2019)	130,066 Sama Bajau (2010 Philippine Census); mostly in Region IX and BARMM Around 600 registered as of December 2020 (Pilot Birth Registration in Zamboanga City)



Note: These groups have been identified by the Philippine Government in a series of inter-agency roundtable discussions in 2010-2011.

No location information on unregistered children, foundlings and children of Filipino descent in migration settings

Source: UNHCR, Philippine Statistics Authority (Census 2010)

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"> 1. Lack of a consular office in Sabah (territorial dispute) 2. 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 from 2018 to 2020 (in Middle East, Malaysia, among others)</p> <p>Around 2,000 to 3,000 undocumented children born of parent/s in Saudi Arabia (2011)</p> <p>Around 55,000 to 97,000 persons of concern in Sabah (Immigration Office of Malaysia, 2018)</p>	5,660 foundlings from 2010 to 2019 (unofficial Philippine Statistics Authority data)

Note: These groups have been identified by the Philippine Government in a series of inter-agency roundtable discussions in 2010-2011.

No location information on unregistered children, foundlings and children of Filipino descent in migration settings

Sources: Philippine Statistics Authority, Committee on Overseas Workers' Affairs (COWA) (2011). *The Condition of Overseas Filipino Workers in Saudi Arabia*. Philippine Statistics Authority (Census 2010), SURGE Capacity Project on Statelessness

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
- Initially identified around 3,000 PJDs in 2016*
- As of 5 May 2020, there are 910 PJDs with alive / unknown vital status*



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

Initial Progress Report (As of 26 February 2016, Subject to verification)

Self-Declaration

Filipino	4,248
Indonesian	3,566
Dual	884
Unknown	41

6 persons claimed to have other nationality

Citizenship based on Philippine Framework

Unknown	3,617
Filipino	2,504
Alien	2,067
Dual	557

Citizenship based on Indonesian Framework

Unknown	3,735
Indonesian	2,613
Alien	2,112
Dual	285

Electoral Process and Reporting

2,875 participated in Philippine elections
2,194 participated in Indonesian elections
1,885 reported at the Indonesian Representative Office

Passport and ACR

204 have Indonesian passport
71 have Philippine passport
1,317 have ACRs

Civil Documentation

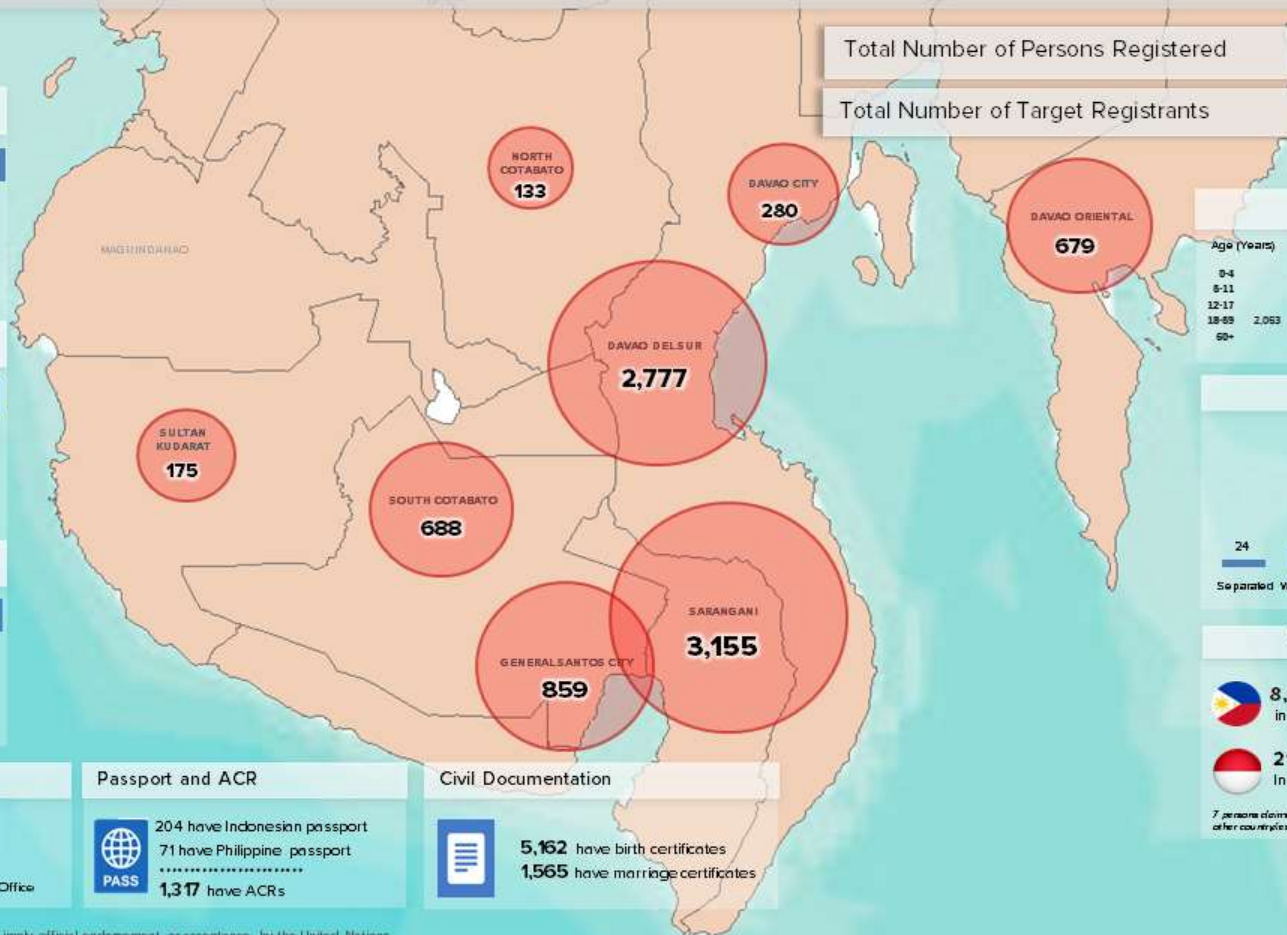
5,162 have birth certificates
1,565 have marriage certificates

Total Number of Persons Registered

8,745

Total Number of Target Registrants

8,030



Age and Gender



Civil Status



Country of Birth and Religion



The boundaries and names used on this map do not imply official endorsement or acceptance by the United Nations.

UNHCR / IW / 2015

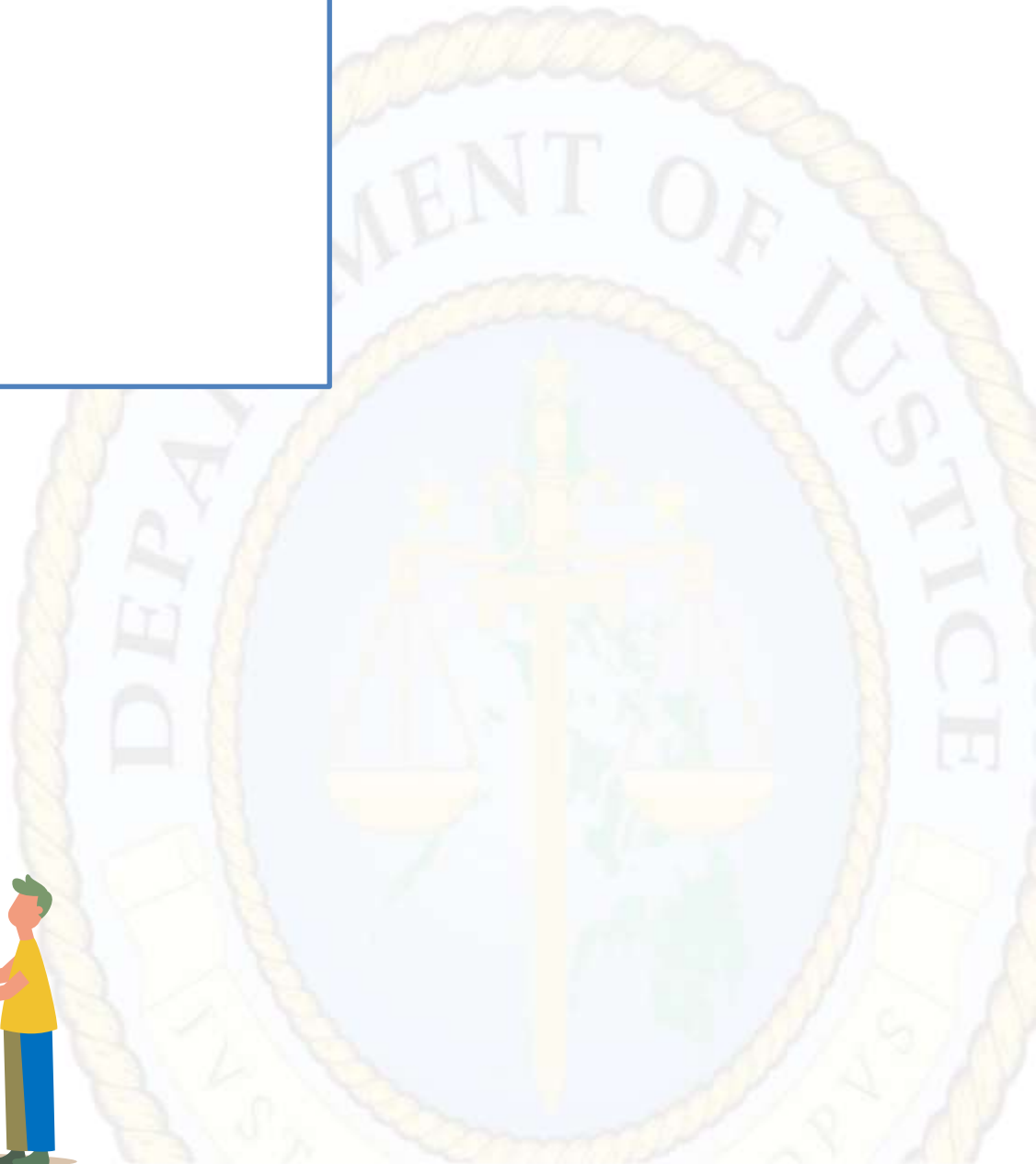
Pilot Birth Registration on Sama Bajaus

As of June 2021, around 761 Sama Bajaus were covered by the PILOT birth registration in Barangay, Kasanyangan, Zamboanga City.

Lead Agencies: DOJ, OCCR
LGU Zamboanga City, NCIP,
UNHCR and UNICEF



INSTITUTIONAL MECHANISMS



The Inter-Agency Steering Committee

Clusters and Member Agencies

DOCUMENTATION & COORDINATION

1. Department of Justice
2. Bureau of Immigration
3. Department of Foreign Affairs
4. Department of the Interior and Local Government

OBSERVER MEMBERS

1. Philippine Statistics Authority
2. National Commission on Muslim Filipinos

WELFARE ASSISTANCE & HEALTH

1. Department of Health
2. Department of Social Welfare and Development
3. Philippine Health Insurance Corporation
4. Philippine Charity Sweepstakes Office

ACCESS TO JUSTICE

1. Supreme Court
2. Philippine Judicial Academy
3. Public Attorney's Office

OBSERVER MEMBERS

3. National Economic and Development Authority
4. Philippine Commission on Women

SELF-RELIANCE & EDUCATION

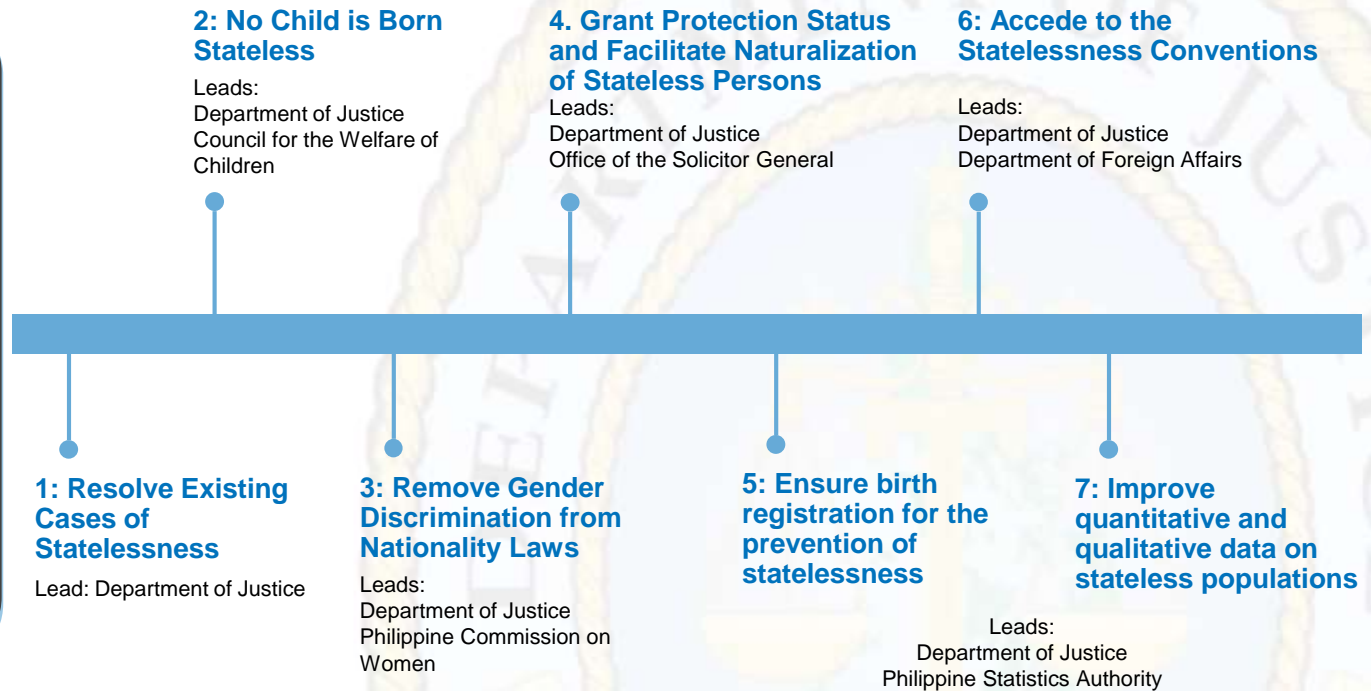
1. Department of Education
2. Commission on Higher Education
3. Technical Education and skills Development Authority
4. Department of Labor and Employment
5. Department of Trade and Industry
6. Professional Regulation Commission

- Ensures access to rights and services
- Uses an inter-agency and whole-of-government approach
- 16 Members, 4 Observers
- **Chair:** Department of Justice
- **Ad-interim secretariat:** UNHCR

Technical Working Groups

National Action Plan (NAP) to End Statelessness by 2024

- Developed in 2015 and formally launched in 2017
- Makes reference to the 10-Point Global Action Plan
- 19 Government Agencies, Members of Civil Society
- Whole-of-nation approach
- Aligned with the IBelong Campaign to End Statelessness



MANIFESTED PLEDGES

2019 High-Level Segment on Statelessness

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.

Current Endeavors

Policy & Legislative Development and Enhancement	Durable Solution	Capacity & Institution Building	Data Collection / Research	Monitoring & Evaluation
<ol style="list-style-type: none"> 1. Operationalization of the 2016 Supreme Court rulings on foundlings (<i>issuance of COLB; foundling bill</i>) 2. Gender-responsive amendments to naturalization laws 3. Proposed Executive Order Institutionalizing Access to Protection Services for Refugees, Stateless Persons and Asylum Seekers 4. Facilitated (Administrative) Naturalization Bill and the Draft Proposed Rules on Facilitated (Judicial) Naturalization 5. Comprehensive Refugees and Stateless Persons Protection Bill 6. Accession to the 1961 Convention on the Reduction of Statelessness 7. Amendments to the Philippine Immigration Law 8. DOJ – CHR MOU/MOA on Refugee Protection & Statelessness 	<ol style="list-style-type: none"> 1. Continuation of Pilot Birth Registration of Sama Bajaus in Zamboanga City 2. Confirmation of citizenship for select foundling/s through the Bureau of Immigration's interim mechanism 	<ol style="list-style-type: none"> 1. Development of birth registration module for Overseas Filipinos 2. Learning Session on Statelessness for the Philippine Congress 3. Creation of a CSO Statelessness Network 4. Pursuit of recommendations from the ACWC Study on Legal Identity (strengthening Barangay Civil Registration Mechanisms, among others) 5. Continued coordination and provision of technical support to CCRO and NCIP in Zamboanga to support their digitization processes and cope with the delays amid the pandemic 	<ol style="list-style-type: none"> 1. ACWC Study on Legal Identity for All Women and Children in ASEAN 2. SURGE Capacity Project on Statelessness 3. Sama Bajau Profiling in Bongao, Tawi-Tawi 4. Advocacy towards inclusion in the implementation of the Phi ISys & Census 5. Pursuit of Data Sharing Agreements 	<ol style="list-style-type: none"> 1. Evaluation of the progress under the NAP 1. Biannual reporting of progress on the implementation of the HLS pledges