

IMMIGRATION POLICIES ON VISITING AND RETURNING OVERSEAS FILIPINOS



TEMPORARY VISITOR

Under R.A. 6768, a former Filipino citizen and his/her spouse and children traveling with him/her are entitled to visa-free entry to the Philippines for a period of one (1) year. Extensions may be requested at the Bureau of Immigration (BI). BI has established an “Express Lane” service to allow its clientele to obtain certain documents within the same date of filing.

PERMANENT RESIDENT (Non-quota Immigrant)

Aliens Married to Philippine Citizens¹

A non-quota immigrant visa under Section 13(a) may be issued to alien spouses who are married to Philippine citizens, upon presentation of proof that the parties contracted a valid marriage. In addition, the alien should also present appropriate documents to prove the following:

1. he/she contracted a valid marriage with a Filipino citizen;
2. the marriage is recognized under existing Philippine laws;
3. there is no record of any derogatory information against him/her in any local or foreign law enforcement agency;
4. he/she is not afflicted with any loathsome or dangerous and contagious disease² ;

5. he/she has sufficient financial capacity to support a family and shall not become a public charge;
6. he/she was allowed entry into the Philippines by immigration authorities; and
7. he/she has not been institutionalized for any mental disability.

The documentation required for this class of visa includes:

1. letter of application;
2. completed application form, signed and notarized;
3. one passport size photograph of the applicant;
4. birth certificates of the applicant and of the Filipino spouse – if a birth certificate is not available, then a Certificate of its loss or unavailability from the Local Civil Registrar or the National Statistics Office and any public document sufficient to establish the Philippine citizenship of the spouse, such as a Philippine passport;
5. affidavits from two independent persons indicating the nationality of the parents of the Filipino spouse, the birthplace of the Filipino spouse and the birthplace of the applicant;
6. certified true copy of the marriage contract of the applicant and the Filipino spouse;
7. certificate of legal capacity to contract marriage, stating any previous marriage(s) and the manner in which any previous marriage was dissolved, a duly authenticated true copy of any divorce decree, dissolution of marriage or death certificate, as the case may be;
8. certified true copy of birth certificate of minor unmarried children under 21 years of age;
9. joint affidavit of financial capacity and support executed by the applicant and the alien spouse with supporting documents showing capacity to support themselves;
10. medical certificate from the Bureau of Quarantine that the alien spouse and any unmarried children are not afflicted with any loathsome or contagious, dangerous and disease;

11. clearance from the central government agency of the applicant's country or place of residence regarding any criminal record the applicant may have, duly authenticated by the Philippine Embassy or Consulate in or closest to the applicant's country;
12. NBI (National Bureau of Investigation) clearance;
13. BI Intelligence clearance;
14. copy of passport of alien spouse and children showing date of arrival and validity of stay; and
15. official receipt of payment of the fee.

Notes:

1. A visa granted on the basis of marriage to a Filipino citizen may be revoked if the marriage is void, couples separate or *d i v o r c e*, t h e marriage is annulled, the marriage was contracted to evade the Immigration Act (CA 613), or loss of citizenship of the spouse.
2. The validity of Muslim marriages is determined by Sharia Law under PD 1083.
3. All foreign documents or documents issued or executed outside the Philippines must be authenticated by officials in the relevant Philippine Mission abroad.

In the case of an alien married to a Philippine citizen, the Philippine citizenship should be maintained by the latter for the non-quota immigrant visa to remain valid under Sec. 13(a) of the Philippine Immigration Act (PIA). The moment the Philippine spouse loses his/her citizenship, the 13(a) visa of his/her alien spouse and their children is automatically revoked or cancelled.

In the event that the Filipino loses his/her citizenship, he/she can apply for the downgrading of his/her dependents' 13(a) visa to temporary visitor's visa under Section 9(a) and, thereafter, apply for a non-quota immigrant visa under Section 13(g) for himself/herself, his/her spouse, and their unmarried minor children below 18 years old.

Child born outside the Philippines while mother temporarily abroad -
The eligibility requirements for this type of visa are:

1. the mother must have been previously admitted for permanent residence in the Philippines;
2. the child is accompanying either of the parents; and
3. the child is not more than 5 years old at the time of application for admission into the Philippines.

The mother must also show proof of her relationship with the child; and her admission as a lawful permanent resident of the Philippines.

Child born after issuance of visa to parent

The child will qualify for this visa provided:

1. the visa that was issued to the accompanying parent is still valid; and
2. there is sufficient proof of the child's relationship to the parent.

Woman who lost her Philippine citizenship

The applicant must present duly authenticated copies of the following documents:

1. her birth certificate;
2. marriage contract; and
3. documentary proof of her present foreign citizenship.

She may also be asked to show proof that she does not possess any of the disqualifications under immigration laws (e.g. no mental disability or disease, becoming a public charge, having a derogatory record with local or foreign police agencies, etc).

Permanent residence after temporary absence

The applicant must produce evidence to show that:

1. his/her original entry and admission into the Philippines was lawful and valid;
2. he/she intends to return to a retained residence in the Philippines; and
3. he/she is not disqualified under immigration laws

(e.g. no mental disability, disease, becoming a public charge, having derogatory record with local or foreign police agencies)

Natural-Born Filipinos Who Have Become Naturalized Citizens Of Another Country

Under Republic Act 4376, a law amending the Philippine Immigration Act of 1940, a natural-born Filipino who has become a naturalized citizen of another country and is returning to the Philippines for permanent residence, including his/her spouse and minor unmarried children, shall be considered non-quota immigrants for purposes of entering the Philippines.

To apply for a non-quota immigrant visa, the applicant must submit documents to establish that he/she:

1. was previously a natural-born citizen of the Philippines
2. was naturalized in a foreign country
3. is not afflicted with any dangerous, contagious, or loathsome disease
4. has no derogatory information against him/her from any local or international law enforcement agency
5. is financially capable of supporting himself/herself so that he/she will not become a public charge while residing permanently in the Philippines
6. has not been institutionalized for any mental disability
7. was allowed lawful entry by immigration authorities with a valid admission status
8. has not violated the terms and conditions of his/her admission status
9. intends to reside permanently in the Philippines

Notes:

1. US citizens are not required to produce evidence of their naturalization or citizenship because of the prohibition of US law under Title 18, US Code, Chapter 69, Section 1426 (a) to (h)
2. The responsibility for ensuring that applicants meet the eligibility

criteria for immigrant visas rests with the relevant Philippine Consular representative abroad or the BI official processing the application inside the Philippines, as appropriate.

Women Who Lost Philippine Citizenship by Virtue of Marriage

Under Section 13(d) of the Philippine Immigration Act of 1940, a woman who lost her Philippine citizenship because of marriage to an alien or because of the loss of Philippine citizenship of her husband, may, together with her unmarried child who is 21 years old, be issued a non-quota immigrant visa.

To qualify for this visa, she must present duly authenticated copies of the following documents:

1. Birth certificate
2. Marriage contract
3. Documentary proof of her present foreign citizenship

In addition, the applicant may also be asked to submit documents to prove that she:

1. has not been institutionalized for any mental disability
2. will not become a public charge
3. is not afflicted with any dangerous, contagious, or loathsome disease
4. has no derogatory information from any local or foreign law enforcement agency

STUDENT VISA (NON-IMMIGRANT)

Section 9(f) of the Philippine Immigration Act of 1940 states that aliens, including former Filipino nationals, at least 18 years old and with sufficient means for their support and education, who intend to enter the Philippines to take up a course of study higher than high school level may be admitted as a student non-immigrant. Executive Order 423 signed in June 1997 provides amendments in the guidelines for the entry and stay of foreign students in the Philippines.

Authorization for conversion from tourist visa category to a student visa or issuance of a special study permit is now restored pursuant to E.O. No. 285 dated 4 September 2000. The purpose of the order was to establish the Philippines as a center for education in the Asia Pacific Region. Only schools accredited by the Bureau of Immigration (BI) to accept students can accept them for enrollment and only foreign students with 9(f) visa or special study permit (SSP), or those who, by regulations, are exempt from securing 9(f) visa or SSP can be accepted for enrollment by these schools. A BI-accredited school may, however, temporarily enroll a foreign student with pending application for conversion of his admission status to that of a student visa but only for that semester.

Any violation of the guidelines will cause the revocation of the BI-accreditation and/or penalty of fifty thousand pesos (P50,000).

There are two ways to secure a student visa for the Philippines:

- i. by visa conversion in country, or
- ii. by being issued a visa outside the Philippines.

Student Visa by Conversion

An alien admitted into the Philippines under any visa category may apply at the Bureau of Immigration for the change/conversion of his/her admission status to that of a student under Section 9(f) of the Philippine Immigration Act of 1940, as amended pursuant to E.O. No. 285 subject to the following documentary requirements.

The student applicant is required to submit documentary evidence in support of the application to the Student Desk of the Bureau of Immigration through the designated school's Liaison Officer. The School Liaison Officer is required to bring these documents in person under a covering letter typewritten on the school's official stationery, signed by the school's Registrar and stamped with the school's official dry seal.

The required documentary evidence will consist of the written endorsement from the school for the change/conversion of the

admission status of the alien to that of a student and the following supporting documents:

1. Original copy of the Notice of Acceptance (NOA) containing a clear impression of the school's dry seal;
2. Original copy of the Certificate of Eligibility for Admission (CEA) issued by the Commission on Higher Education (CHED) for Medicine and Dentistry students;
3. Proof of adequate financial support to cover expenses for the student's accommodation and subsistence, as well as school dues and other incidental expenses;
4. Scholastic records duly authenticated by the Philippine Foreign Service Post located in the student's country of origin or legal residence;
5. Police Clearance Certificate issued by the National Police Authorities in the student's country of origin or residence duly authenticated by the Philippine Foreign Service Post having consular jurisdiction over the place for students who resided in the Philippines for **less than 59 days**;

Note: Students who have resided in the Philippines for longer than 59 days at the time of the application for the change/conversion of their admission status to that of a student, are also required to submit a National Bureau of Investigation (NBI) clearance.

6. Quarantine Medical Examination by the National Quarantine Office;
7. Copy of the student's Personal History Statement signed by the student with a 2 x 2 inch photograph recently taken;
8. Xerox copy of the photo, data and stamp of the latest arrival pages of the student's passport. The passport itself must be presented to the Bureau for verification.

Issuance of a Student Visa Abroad

There is also provision for issuing student visas outside the Philippines. The procedure is as follows:

1. The student communicates with the higher education institution (HEI) authorized to accept foreign enrollees and provides 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 thumb-prints and 2 x 2 inch photograph on plain white background taken not more than six months prior to submission;
 - b. Transcript of Records/Scholastic records duly authenticated by the Philippine Foreign Service Post located in the student applicant's country of origin or legal residence;
 - c. A notarized Affidavit of Support including bank statements or notarized notice of grant for institutional scholars to cover expenses for the student's accommodation and subsistence, as well as school dues and other incidental expenses; and
 - 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.
2. Upon receipt of the required documents, the HEI issues a Notice of Acceptance (NOA).
3. For those wishing to enrol in Medicine and Dentistry, their documents must be submitted to the Office of Student Services

(OSS), CHED for evaluation. If found in order, a Certificate of Eligibility for Admission (CEA) is issued to the concerned foreign student.

4. HEI then submits the documents, including the certified true copy of the CEA of those enrolling in Medicine and Dentistry, to the Department of Foreign Affairs (DFA).

5. DFA endorses the documents to the Philippine Foreign Service Post (PFSP) in the student's country of origin or legal residence for the issuance of the corresponding visa.

6. PFSP notifies the student-applicant with instruction that he appear in person before the Consular Officer for interview and submission of the required documents, as follows:

- a. Original copy of the school's Notice of Acceptance (NOA) containing a clear impression of the school's dry seal;
- b. Original copy of the Certificate of Eligibility for Admission (CEA) issued by CHED if enrolling in Medicine and Dentistry;
- c. Police Clearance issued by the national police authorities of the student's country of origin or legal residence duly authenticated by the Philippine Foreign Service Post having consular jurisdiction over the place; and
- d. Medical Health Certificate issued by an authorized physician including but not limited to standard-size chest x-ray, HIV, or hepatitis B clearance.

Note: 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 completed.

7. Upon arrival in the Philippines, the foreign student reports to the BI Student Desk for registration and to the accepting HEI and shall enrol in the school which issued his NOA;

8. The accepting HEI assists the foreign student desk to obtain a Certificate of Residence for Temporary Students (CRTS) and ACR I-Card from the Bureau of Immigration (BI);
9. DFA sends notice to the accepting HEI on the issuance of the student visa to the applicant, with a copy to CHED, BI, NICA, and NBI; and
10. OSS keeps on file submitted data on foreign students.

Special Study Permits (SSP) **C3.4 Special Study Permits (SSP)**

The following are eligible to be issued Special Study Permits. The categories of eligible persons and the documentary evidence which they are required to provide are set out in the following table.

Characteristics of the applicant	Documentary requirements
1. Aliens 18 years old and above who wish to study in non-degree courses of less than one (1) year duration.	a.letter of request; b.certificate of acceptance from the school (the school must be accredited by the Bureau to accept foreign students); c.photocopy of passport reflecting applicant's valid stay; d.affidavit of support and the proof thereof; e.birth certificate of applicant.
2. Dependents of former Filipino citizens and foreigners below 18 years of age.	a.letter of request; b.certificate of acceptance from the school (the school must be accredited by the Bureau to accept foreign students); c.photocopy of passport reflecting applicant's valid stay; d.photocopy of parents' passports; e.affidavit of support and proof thereof; f.birth certificate of applicant.
3. Dependent/s of visa holders under PIA of 1940, as amended, except under Section 9(a) of the Act, after reaching the age of 18 years for purposes of completing the course.	a.letter of request; b.certificate of acceptance from the school and the same must be accredited by the Bureau to accept foreign students; c.photocopy of passport reflecting applicant's valid stay; d.birth certificate; e.photocopy of parent's passport reflecting stamped visa.
4. Minor dependents of a principal who has a pending application for a change of admission status. (If the parent's application is denied, any SSP granted to the minor dependent will be automatically cancelled).	a.letter of request; b.certificate of acceptance from the school (the school must be accredited by the Bureau to accept foreign students); c.photocopy of passport reflecting applicant's valid stay; d.affidavit of support and the proof thereof; e.birth certificate; f.proof of filing of the principal's application for change of status; g.photocopy of parent's passport reflecting valid stay.

<p>5. Minor under guardianship</p>	<p>a.letter of request; b.certificate of acceptance from the school (the school must be accredited by the Bureau to accept foreign students); c.photocopy of passport reflecting applicant's stay; d.affidavit of support and proof thereof; e.birth certificate; f.affidavit executed by parents appointing said guardian to take custody and care over the minor-applicant (if executed outside the Philippines, the same must be duly authenticated to be admitted as foreign document/s; if executed in the Philippines, parents' passport must be presented); g.photocopy of the guardian's passport reflecting authorized stay; if guardian is an alien, he must not be a mere 9(a) visa holder.</p>
<p>6. Aliens below 18 years old who are already at tertiary level</p>	<p>Same documentary requirements as for student visa conversion, namely, written endorsement from the school and the following supporting documents: a.Original copy of the Notice of Acceptance (NOA) containing a clear impression of the school's dry seal; b.Original copy of the Certificate of Eligibility for Admission (CEA) issued by the Commission on Higher Education (CHED) for Medicine and Dentistry students; c.Proof of adequate financial support to cover expenses for the student's accommodation and subsistence, as well as school dues and other incidental expenses; d.Scholastic records duly authenticated by the Philippine Foreign Service Post located in the student's country of origin or legal residence; e.Police Clearance Certificate issued by the National Police Authorities in the student's country of origin or residence duly authenticated by the Philippine Foreign Service Post having consular jurisdiction over the place for students who resided in the Philippines for less than 59 days; Note: Students who have resided in the Philippines for longer than 59 days at the time of the application are also required to submit a National Bureau of Investigation (NBI) clearance. a.Quarantine Medical Examination by the National Quarantine Office; b.Copy of the student's Personal History Statement signed by the student with a 2 x 2 inch photograph recently taken; c.Xerox copy of the photo, data and stamp of the latest arrival pages of the student's passport. The passport itself must be presented to the Bureau for verification.</p>
<p>7. 18 years and above who are still in high school</p>	<p>Same documentary requirements as group i. above – aliens 18 years old and above who wish to study in non-degree courses of less than one year., namely: a.letter of request; b.certificate of acceptance from the school (the school must be accredited by the Bureau to accept foreign students); c.photocopy of passport reflecting applicant's valid stay; d.affidavit of support and the proof thereof; e.birth certificate of applicant.</p>

Student Visa Extension C3.5 Student Visa Extension

Upon approval of the student visa conversion, foreign students are given an initial stay of one year. Foreign students who arrive with a Section 9(f) visa also receive an initial stay of one year upon arrival. Thereafter, they are required to apply for a visa extension.

When applying for a visa extension, a foreign student is required to submit the following documents:

1. Notarized application form duly completed by the foreign student;
2. Two (2) 2x2 inch photographs;
3. Xerox copy of the photo, data and latest valid extension including the latest arrival pages of the passport of the student or Certificate of Identity;
4. Transcript of Records or certified true copy of grades for the previous semester duly signed by the Registrar or Dean, with its school seal;
5. Xerox copy of the ACR I-Card and Certificate of Residence for Temporary Students (CRTS) (for students who have previously applied for extension);
6. Explanation by the student, and confirmed by the school Registrar or Dean, where the student took less than the required normal/regular full load per semester, as follows:
 - a) Undergraduates – at least 15 units
 - b) Graduate Students (M.A.) – at least 12 units

However, graduating students and those enrolled in the College of Medicine may have less than the aforesaid number of units.

7. Notice of Acceptance/registration card for the coming semester; and
8. In cases where a student wishes to transfer from one school to another, or from one course of study to another,

or to enrol in a Master's degree or Doctorate studies related to the student's bachelor degree, the approval of the admitting school is also required.

Notes:

1. Foreign students are not allowed to transfer within one year from conversion or from date of first arrival as a foreign student if the visa was issued abroad.
2. Transferees are required to present certified copy of honourable dismissal/authority to transfer by the school registrar where the foreign student was previously enrolled.

Exemptions from Student Visa requirement**C3.6 Exemptions from Student Visa requirement**

The following persons are **exempted** from the need to obtain a student visa or special study permit:

1. Permanent residents (immigrants);
2. Foreign nationals who have a valid working permit under Sections 9(d), 9(g) or 47(a)(2) of the Immigration Act 1940, as amended;
3. Personnel of foreign diplomatic and consular missions residing in the Philippines;
4. Personnel of duly accredited international organizations residing in the Philippines, such as the Asian Development Bank (ADB), International Rice Research Institute (IRRI), and specialized agencies of the United Nations;
5. Holders of Special Investor's Resident Visa (SIRV) and Special Retirees Resident Visa (SRRV); and
6. Foreign students coming in the Philippines with 47(a)(2) visas issued pursuant to existing laws, e.g. P.D. 20221Y.

Other important guidelines for foreign students

Foreign students are required to observe the following important guidelines while studying in the Philippines:

1. Non-immigrant students are required to take the full academic load of a particular course they are pursuing;
2. Non-immigrant students shall enrol in day classes, unless previous permission to study at night time has been granted;
3. No extension of stay shall be granted unless it can be shown that they have religiously pursued their studies. If it appears that a student has been in the country for a number of years but has not finished his/her chosen course of study within the period normally required for the course, it will be presumed that he/she has not endeavoured to pursue those studies and shall therefore be denied further extensions of stay;
4. Students are required to extend their visas on time (June 15 and December 15);
5. Students who have been denied an extension shall be required to leave the country within 15 days from the date of advice. If they fail to do so, a warrant for their arrest shall be immediately issued, leading to their deportation from the country;
6. No alien admitted as a student shall engage in employment for hire without first having applied for and secured the consent of the Commissioner of Immigration. In no instance will a student be permitted;
7. to accept employment of such nature as will interfere with the full course of studies;
8. Foreign students are prohibited from going out of the country during school days, except for valid reasons with the permission of the school registrars/school authorities and duly noted by the Bureau of Immigration;
9. A foreign student who wishes to pursue another degree program higher than the original course completed, shall submit all appropriate clearance/endorsement, including Personal

History Statement, notarized affidavit of support, official transcript of record, notice of admission from admitting school for approval and subsequent processing of student visa extension.

The eligibility criteria for student visas are:

1. the applicant must be at least 18 years old;
2. he/she must have sufficient means of support for education in the Philippines; and
3. the course of study must be higher than high school in a learning institution approved by the Commission on Higher Education.

The term “Foreign Students” also refers to foreign nationals who come to study in any educational institution recognized by the Government and includes researchers, trainees, grantees, scholars, and other similar categories, who wish to conduct research work in any other government/private or department or agency, or study in any special training institution or centre in the Philippines.

Note: Foreign students whose applications for student visas are approved must secure their visas from the Foreign Service Post in their country of origin or legal residence, regardless of where they are at the time of application.

Foreigners who do not qualify for a student visa under S.9(f) of the Act, can still apply to the Commissioner for a special study permit. These permits may be subject to prior clearance by the Department of Education in the case of elementary and high school courses, and by the Commission on Higher Education in the case of college or university level courses.

Student visas can be **extended** to enable the students to complete an approved course of study, subject to satisfactory progress in their studies.

A visa extension may be denied if the student:

1. fails two or more subjects of three units each;
2. drops two or more subjects of three units each;
3. enrolls in less than the full academic load of 18 units with no explanation from the school registrar; or
4. repeatedly fails in one subject with three units despite warnings.

Approval for a student visa is for study at a nominated institution. Transfers between schools or other educational institutions can only be effected with the consent of the Commissioner.

CHILDREN UNDER 15 TRAVELING ALONE

If a child under the age of 16 years is travelling to the Philippines alone or with one parent only, officers may request evidence that both the child's parents have consented to the child being removed from the child's country of residence.

RECOGNITION AS A FILIPINO CITIZEN

Under the Bureau of Immigration's Law Instruction No. RBR-99002, issued on 15 April 1999, any child born of a Filipino parent may be recognized as a Filipino citizen under existing laws. The following documents are to be submitted to the Commissioner of Immigration:

1. Petition, in the form of a letter-request, made under oath by the Filipino parent or legally appointed guardian. A person who is 18 years old must apply in his/her own capacity.

In default of parents or a judicially appointed guardian, the following persons shall exercise substitute parental authority over the child in the order indicated:

- the surviving grandparent as provided in Article 214 of the Family Code
- the oldest brother or sister over 21 years of age, unless unfit or disqualified

- the child's actual custodian, over 21 years of age, unless unfit or disqualified

In case the letter-request is made by a person on behalf of any of the parents, the legally appointed guardian, or persons exercising substitute parental authority, he or she must be duly authorized through a power of attorney to file such petition.

2. Authenticated birth certificate of the child
3. Birth certificate of the Filipino parent
4. Affidavit of citizenship executed by the applicant's Filipino parent attesting to his/her citizenship at the time of the birth of the child
5. Photocopy of the child's passport, if he/she has one
6. Photocopy of the Filipino parent's passport, if he/she has one
7. Proof of Filipino citizenship of a parent at the time of the birth of the child other than the parent's passport or the child's passport

All documents issued by foreign governments and those executed in a foreign country shall be duly authenticated by the authorized officer of the Philippine embassy or consulate that has jurisdiction over them.

Communications, statements, or documents executed in a language other than English or Filipino should be officially translated under the seal of the authorized officer of the appropriate foreign embassy.

Pursuant to Executive Order No. 292, the Bureau of Immigration, through its Records Section, will automatically furnish the Department of Justice an official copy of its order of recognition within 12 days from its date of approval. Identification certificates shall be issued only after confirmation by the Secretary of Justice.

For more information, please contact:

Office of the Commissioner**Bureau of Immigration**

Magallanes Drive, Intramuros, Manila

Tel. No. (632) 309-7753

Fax Nos. (632) 309-7751/52

Website: www.immigration.gov.ph**PRE-ARRANGED EMPLOYMENT VISA**

This is a working visa to enable an employer in the Philippines to employ a foreign national with skills, qualifications and experience which may not be available or in short supply in the Philippines.

Professors and teachers for educational institutions, doctors and nurses for hospitals, scientists, professionals and other skilled specialist workers for banking, commercial, industrial, agricultural and other business enterprises may qualify for this type of visa.

Prospective employers are required to show to the satisfaction of the Commissioner that two important conditions for this visa are met, namely that:

1. no person can be found in the Philippines willing and able to perform the particular work; and
2. the person's admission would be in the public interest.

The employer must address a petition to the Commissioner under oath and include the following information:

1. the nature of the labour or service for which the foreign employee is desired;
2. the probable length of time for which he/she is to engaged;
3. the wages or other compensation to be paid; the reasons why a person in the Philippines cannot be engaged to perform the labour or service;

4. the reasons that the prospective employee's admission to the Philippines would be in the public interest;
5. a certified copy of the agreement or contract of employment; and
6. any other information that the Commissioner deems appropriate in the circumstances of the particular case.

Because of this, Consular officers cannot issue a pre-arranged employment visa until they have received authorization from the Commissioner.

The spouse and unmarried minor children (under 21) of a successful applicant for a pre-arranged employment visa are also eligible for this visa, provided they are accompanying the principal applicant or will join him/her within six months from the date of admission of the principal applicant.

Alien Employment Permit

Coverage

Under DOLE Department Order No. 97, series of 2009, all foreign nationals who intend to engage in gainful employment in the Philippines shall apply for Alien Employment Permit (AEP).

Exemption

The following categories of foreign nationals are exempt from securing an employment permit:

1. All members of the diplomatic services and foreign government officials accredited by and with reciprocity arrangement with the Philippine government.

2. Officers and staff of international organizations of which the Philippine government is a member, and their legitimate spouses desiring to work in the Philippines.
3. Foreign nationals elected as members of the Governing Board who do not occupy any other position, but only have voting rights in the corporation.
4. All foreign nationals granted exemption by law.
5. Owners and representatives of foreign principals whose companies are accredited by the Philippine Overseas Employment Administration (POEA), who come to the Philippines for a limited period and solely for the purpose of interviewing Filipino applicants for employment abroad.
6. Foreign nationals who come to the Philippines to teach, present and/or conduct research studies in universities and colleges as visiting, exchange or adjunct professors under formal arrangements between the universities or colleges in the Philippines and foreign universities or colleges; or between the Philippine government and foreign government ; provided that the exemption is on a reciprocal basis.
7. Permanent resident foreign nationals, probationary or temporary resident visa holders.

Procedures in the Processing of Applications

- a. All applications for AEP shall be filed and processed at the DOLE Regional Office or Field Office having jurisdiction over the intended place of work.

Only applications with the following complete documentary requirements shall be received and acted upon by the Regional Office:

1. Fully accomplished application form
2. Photocopy of passport , with visa or certificate of

recognition for refugees

3. Contract of employment /appointment or board secretary's certificate of election
 4. Photocopy of mayor's permit to operate business or in case of locators in economic zones, certification from the PEZA or the Ecozone Authority that the company is located and operating within the ecozone
 5. Photocopy of current AEP (if for renewal)
- b. In the case of foreign nationals to be assigned in related companies, they may file their application with the regional office having jurisdiction over any of the applicant's intended places of work.
- c. Additional position or a change in position of the foreign national in the same company or subsequent assignment in related companies during the validity or renewal of the AEP will be subject for publication requirement and payment of publication fee. However, a change of employer shall require an application for new AEP.

Processing period

Upon receipt of application the authorized representative of the regional office may conduct ocular inspection of within two (2) working days to verify legitimacy of the employment of the foreign national. All applications shall be processed and an AEP shall be issued within twenty-four (24) hours after publication and payment of required fees and fines, if there is any.

Verification inspection

The authorized representatives of the Regional Director may conduct verification inspection of establishments employing foreign nationals

within thirty (30) days after the issuance of the AEP to ensure that the foreign national is doing the job for which the AEP was issued.

Denial/cancellation/revocation of AEP

A foreign national whose AEP has been denied /cancelled/revoked shall not be allowed to reapply in any of the DOLE regional offices, unless said foreign national has provided proof that the ground for denial / cancellation/revocation has been corrected.

Renewal

An application for renewal of AEP shall be filed before its expiration. In case of corporate officers, whose election or appointment takes place before expiration of AEP , the application shall be filed not later than fifteen (15) working days after election or appointment or before expiration of the AEP. In case the election or appointment will take place after the expiration of the AEP, the application for renewal shall be filed before the expiration of the AEP, and shall be renewed for one year. In case the foreign national is not re-elected or re-appointed, the AEP shall be automatically revoked.

Within fifteen (15) working days after the date of election or appointment, the foreign national shall submit to the issuing regional office the board secretary's certificate of election or appointment.

Denial of Application

An application may be denied on any of the following grounds:

- a. Misrepresentation of facts in the application
- b. Submission of falsified documents
- c. The foreign national has a derogatory record
- d. Availability of a Filipino who is competent, able and willing

to do the job intended for the foreign national

Denial of application shall cause the forfeiture of the fees paid by the applicant.

Validity

The AEP shall be valid for the position and the company for which it was issued for a period of one year, unless the employment contract, consultancy services, or other modes of engagement provides otherwise, which in no case shall exceed five years.

For more information on the filing of the Alien Employment Permit, please contact:

Employment Standards and Regulations Division

Bureau of Local Employment

6th Flr., BF Condominium
cor. Solana & Soriano St., Intramuros
Manila 1002
Tel. Nos. (632) 528-0083 / 528-0084
Email: od@ble.dole.gov.ph
Website: www.ble.dole.gov.ph



BOARD OF SPECIAL INQUIRY

Regulations now limit the duties of the Board of Special Inquiry to the following:

1. Resolving pre-arranged employment visas for religious missionaries;
2. Resolving visa applications for treaty traders, Top 1000 Corporations, multinational regional headquarters;
3. Implements DOJ guidelines and procedures on recognition of Philippine citizenship;
4. Implementing DOJ guidelines and procedures for cancellation of alien registry by reason of (i) marriage of an alien female spouse to a Philippine citizen, (ii) naturalization via the regular courts or the Special Committee on Naturalization and (iii) Election of Philippine citizenship;
5. Providing assistance to the Inter-agency Committee on the Remaining Vietnamese in the Philippines;
6. Assisting the Commissioner of Immigration on official queries and inter-agency correspondences; and
7. Such other responsibilities as may be assigned by the Commissioner of Immigration.

For other queries, please contact:

**Board of Special Inquiry
Bureau of Immigration**
Telefax: (632) 527-3276



For commercial pre-arranged employment visa applications:

**Law and Investigation Division
Bureau of Immigration**
Telefax: (632) 527-3259



SPECIAL INVESTOR'S RESIDENT VISA

The Special Investor's Resident Visa (SIRV) is granted to aliens who wish to invest or participate in business activities in the Philippines. An SIRV may be issued to a foreign national, except those from countries that may be classified as restricted, who meets the following qualifications:

1. Has not been convicted of a crime involving moral turpitude
2. Is not afflicted with any loathsome, dangerous, or contagious disease
3. Has not been institutionalized for any mental disorder or disability
4. Willing and able to invest at least US\$75,000.00 in the Philippines

The SIRV holder is allowed to reside in the Philippines for as long as his/her investment exists. The special residence status will automatically expire once his/her investment is withdrawn from the Philippines or if the same is reduced below the value of US\$75,000.00.

Investment Areas

Investors holding this visa may engage in any business except those included in the list of investment areas reserved for Philippine nationals and those which may be excluded by the Inter-Agency Committee on Special Investors Resident Visa (IAC-SIRV).

The percentage of foreign investments shall be limited by the provision of applicable laws, rules, and regulations depending on the area of business.

For purposes of securing an SIRV, only investments/shares of stocks in existing, new or proposed corporations shall be allowed/accepted as eligible forms of investment:

- a) Publicly-listed companies;

- b) Companies engaged in areas listed in the Investments Priorities plan (IPP) of the Board of Investments (BOI). (The IPP is a list of priority areas of economic activities which the government promotes for investments); and
- c) Companies engaged in the manufacturing and service sectors.

Requirements for Special Investor's Resident Visa

The following documents shall be attached to every application for SIRV:

1. Application form duly filled-up and notarized, with recent photographs;
2. Clearance from the National Intelligence Coordinating Agency (NICA), together with either a clearance from the central government agency of the applicant's country or place of residence, duly authenticated by the Philippine Embassy, or the Interpol Division of the National Bureau of Investigation (NBI) indicating that the applicant has not been convicted by final judgment of a crime involving moral turpitude;
3. Medical certificate issued by any licensed and accredited hospital certifying that the applicant is physically and mentally fit;
4. Certification under oath from the duly authorized officer(s) of any BOI-accredited depository banks in the Philippines as to the amount of foreign exchange inwardly remitted by applicant;
5. Certified true copy of the certificate of peso time deposit;
6. Birth certificate/family registry/household registry duly authenticated by the Philippine Consulate/Embassy located in the applicant's home country or the applicant's embassy in the Philippines;
7. If applicable, marriage contract duly authenticated by the Philippine Consulate/Embassy located in the applicant's home country or the applicant's embassy in the Philippines.

Filing of Application

The applicant may apply at the Philippine Embassy or Consulate in his/her home country or place of residence. However, if the investor is already in the Philippines, the application may be filed at the One Stop SIRV Center of the Board of Investments.

Privileges

Aside from being able to reside in the Philippines, the following privileges are available to SIRV holders:

1. May import used household goods and personal effects, tax and duty free, as a foreign national coming to settle in the Philippines for the first time, as provided for in Section 105(h) of the Tariff and Customs Code of the Philippines.
2. The investor's spouse and unmarried children under 21 years of age, who are joining him in the Philippines, may also be issued SIRV.
3. Issuance of an SIRV ID card to the SIRV holder and his/her dependents which shall be the basis for seeking exemption from securing the Special Return Certificate (SRC) and Emigration Clearance Certificate (ECC) from the Bureau of Immigration (BI) for purposes of travel abroad and the updating of the Alien Certificate of Registration (ACR).

For more information on SIRV processing, please contact:

One-Stop SIRV Center**Board of Investments**

Industry and Investments Building
385 Sen. Gil J. Puyat Ave., Makati City
Tel. Nos. (632) 890-9335 (direct line)
(632) 897-6682 local 234, 280
Fax No. (632) 896-8236
Email: SIRV@boi.gov.ph
Website: www.boi.gov.ph

