

[EXECUTIVE ORDER No. 758, October 20, 2008]

PRESCRIBING GUIDELINES FOR THE ISSUANCE OF A SPECIAL VISA TO NON-IMMIGRANTS FOR EMPLOYMENT GENERATION

WHEREAS, there are foreigners who want to maintain a lawful presence in the Philippines by actually, directly or exclusively engaging in lawful, viable, and sustainable trade, business, industry, or activity offering local employment;

WHEREAS, according to the April 2008 survey of the National Statistics Office (NSO), there are 2.9 million Filipinos who are currently unemployed;

WHEREAS, creation of job opportunities for the Filipino is one of the advocacies of the Arroyo Administration under its 10-point Agenda;

WHEREAS, Commonwealth Act (CA) No. 613, otherwise known as the Philippine Immigration Act of 1940, as amended, authorizes the President, when public interest so warrants, to admit as non-immigrants, foreigners not otherwise provided for by the Act, who are coming for a temporary period only, under such conditions as may prescribed;

WHEREAS, public interest, particularly on an aspect of employment generation for Filipinos warrants the admission of these foreigners as special non-immigrants under Section 47 (a)(2) of CA No. 613, as amended;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the power vested in me by law, do hereby order:

SECTION 1. *Special Visa for Employment Generation (SVEG)* – The SVEG is a special visa issued to a qualified non-immigrant foreigner who shall actually employ at least ten (10) Filipinos in a lawful and sustainable enterprise, trade, or industry. Qualified foreigners who are granted the SVEG shall be considered special non-immigrants with multiple entry privileges and conditional extended stay, without need of prior departure from the Philippines.

The privileges of this Executive Order may extend to the qualified foreigner's spouse and dependent unmarried child/children below eighteen (18) years of age whether legitimate, illegitimate or adopted.

SECTION 2. *Who may avail* – Non-immigrant foreigners who wish to avail of the SVEG should comply with the following conditions:

- a. The foreigner shall actually, directly or exclusively engage in a viable and sustainable commercial investment/enterprise in the Philippines, exercises/performs management acts or has the authority to hire, promote and dismiss employees;
- b. He evinces a genuine intention to indefinitely remain in the Philippines;
- c. He is not a risk to national security; and

d. The foreigner's commercial investment/enterprise must provide actual employment to at least ten (10) Filipinos in accordance with Philippine labor laws and other applicable special laws.

The above-mentioned requirements must be continually satisfied by the foreigner for him/her to continue to be a holder of the SVEG.

SECTION 3. *Application for SVEG* – (a) Upon payment of regulatory fees, the Commissioner of Immigration shall receive and resolve SVEG applications within fifteen (15) days from the date of filing. Documentary proofs required by the Commissioner of Immigration shall be evaluated and reviewed without strict observance to the technicalities of evidence and procedure.

(b) Upon favorable review, the Commissioner of Immigration shall issue a Notice of Approval directing the foreigner-applicant to report for registration and documentation at the Bureau of Immigration. An Alien Certificate of Registration (ACR) I-Card and an Identification Certification (IC) shall be issued upon payment of appropriate fees. The ACR I-Card and the IC shall indicate among others, the following:

"Status Adjusted without Departure as a Special Non-immigrant with Multiple Entry Privileges and Conditional Extended Stay in the Philippines under (this Executive Order)"

(c) Otherwise, the Commission shall issue a Notice of Disapproval informing the foreigner applicant of the denial of his application. Within fifteen (15) days from receipt of such disapproval, the foreigner-applicant may file a Motion for Reconsideration (MR) for the review of his application. Only one (1) such Motion shall be entertained.

(d) The Commissioner of Immigration shall monitor the continued compliance by the foreigners of the requirements of the SVEG.

(e) All fees collected by the Bureau of Immigration shall be acknowledged by bonded collecting officers via issuance of official receipts. These collections shall be accounted for as government funds and subject to strict auditing procedures.

SECTION 4. *Revocation of the SVEG* – (a) The Commissioner of Immigration shall revoke the SVEG granted: (i) If the SVEG holder fails to maintain compliance of any of the conditions set forth in Section 2 hereof; (ii) If it was obtained through fraud or willful misrepresentation of material facts; (iii) Upon conviction of the foreigner by final judgment for a crime or offense in the Philippines; or (iv) A final determination by competent authority that the foreigner poses a risk to national security.

(b) A foreigner whose special non-immigrant status is revoked under Sections 4 (a) (i), 4(a)(ii) or 4(a)(iv) hereof shall be deported via summary proceedings. In the case of revocation under Section 4(a)(iii), the foreigner shall be deported after the service of sentence.

(c) A foreigner deported by the BI Board of Commissioners under this Section shall be transported to the country whence he came, or to the foreign port where he embarked for the Philippines, or to the country of his nationality or of which he is a citizen or subject, or to the country in which he resided prior to his coming to the Philippines.