

[DOJ DEPARTMENT CIRCULAR NO. 48, June 28, 2010]

UNIFORM GUIDELINES FOR PROCESSING APPLICATIONS AND REQUESTS RELATIVE TO SPECIAL NON-IMMIGRANT VISAS UNDER SECTION 47 (A) (2) OF COMMONWEALTH ACT NO. 613, AS AMENDED

WHEREAS, Section 47 (a) of Commonwealth Act (CA) No. 613, as amended, known as the Philippine Immigration Act of 1940, authorizes the President, in cases where public interest so warrants and under such conditions as may be prescribed, to waive immigration requirements and admit as non-immigrants, aliens who are coming to the country for a temporary period only;

WHEREAS, Administrative Order (AO) No. 142, s. 1994, issued pursuant to the President's continuing authority under Section 31 (2), Chapter 10, Title III, Book III of Executive Order (EO) No. 292 s. 1987 otherwise known as the Administrative Code of 1987, transferred to the Secretary of Justice or his duly authorized representative, all actions on immigration matters, including waiver of visas and admission of aliens, except deportation matters;

WHEREAS, Department Circular (DC) No. 35 s. 2009 designated the Chief State Counsel as the authorized signatory of Section 47 (a) 2 Visa Indorsements;

WHEREAS, there is a need for the Department to consolidate and adopt uniform guidelines for the judicious and efficient processing and disposition of applications and requests relative to Special Non-Immigrant Visas under Section 47 (a) (2) of CA 613, as amended.

WHEREAS, there is likewise a need to update the rates of legal fees for the processing of Section 47 (a) (2) visa applications as authorized under Section 3, *Republic Act (RA) No. 9279, in relation to Section 54, Chapter 12 Book IV of EO 292 s. 1987, Batas Pambansa (BP) Blg. 235*, and other laws, in order to cover the increased administrative costs for services rendered;

NOW, THEREFORE, pursuant to the provisions of existing laws, the following Guidelines are hereby promulgated;

SECTION 1. Persons eligible to apply for Section 47 (a) (2) Visas – Unless expressly excluded from entering the Philippines under Section 29 of CA 613, as amended, foreign nationals falling under the following categories may be issued Special Non-immigrant Visas under Section 47 (a) (2) of CA 613 as amended:

- a. Those employed as supervisors, specialists, consultants, contractors or personal staff at enterprises registered with Export/Special Economic Processing Zones or the Board of Investments;

- b. Those employed in enterprises that have existing agreement/s with the government, or any subdivision, agency, or instrumentality thereof, including government-owned or controlled corporations or their subsidiaries, for the completion of a project;
- c. Exchange professors, scholars, trainees, participants, students, fellows and social workers under sponsorship of locally or internationally recognized educational, scientific, cultural, relief and charitable organizations, institutions, agencies or foundations, including representatives of non-recognized foreign governments to any of the aforementioned organizations, institutions, agencies or foundations;
- d. Volunteers who are registered with the Philippine National Volunteer Service Coordinating Agency, including foreign personnel of international rescue/aid organizations providing assistance on occasion of natural disasters and major emergencies;
- e. Dependents of foreign nationals covered under any of the foregoing categories.

SECTION 2. Foreign Nationals granted Section 47 (a) (2) Visas by Philippine Embassies and Consulates abroad – Foreign nationals in whose favor the Philippine Embassy or Consulate abroad has issued Special Non-Immigrant Visas under Section 47 (a) 2 of CA 613, as amended, that are valid for single entry and have no fixed period of validity, shall file an application under Section 3 hereof for purposes of fixing the duration of their authorized stay in the Philippines; PROVIDED That, foreign volunteers registered with Philippine National Volunteer Service Coordinating Agency and in whose favor the Philippine Embassy/Consulate abroad has issued Special Non-Immigrant Visas under Section 47 (a) 2 of CA 613, as amended, that are valid for a fixed period of one (1) year from date of issuance thereof, shall be exempt from this requirement.

SECTION 3. Documentary requirements for Change of Admission Status - Applicants for change of admission status under Section 1 (a), (b), (c) and (d), and Section 2 of these guidelines, shall comply with the following documentary requirements:

A. Supervisors, specialists, consultants, contractors, personal staff – For supervisors, specialists, consultants, contractors and their personal staff, the application shall consist of the following documents:

1. Duly accomplished and notarized DOJ General Application Form and Checklist (Annex 1^{*})
2. Sworn Certification and Undertaking executed by the sponsor, company stating that:
 - i. The foreign national subject of the application is being admitted to the Philippines pursuant to a contract entered into by the former with a government office, agency or subdivision, or with a private firm;
 - ii. The employment of the foreign national is required in the operation of the company, with an

indication of the number and nationality of other personnel employed in the same category as that of the foreign national;

iii. The foreign national has no derogatory record or pending case against him in his domicile, in the Philippines, or in any other country where the foreign national has resided for the past five (5) years;

iv. The sponsor, company shall conduct an understudy program for the training of Filipino workers to effect transfer of appropriate technology on aspects of its operations for which the non-resident alien is being proposed for employment;

v. The sponsor, company shall secure clearance from PEZA, SEZ or BOI, whichever is applicable, before allowing the foreign national subject of the application to transfer employment to any company and/or take up any additional employment; and

vi. The sponsor, company shall notify the DOJ, copy furnished the PEZA, SEZ or BOI, whichever is applicable, within three (3) days from termination of employment of the foreign national.

3. Recommendations by the appropriate government office, agency or subdivision, or the private firm, utilizing the services of the foreign national subject of the application.

4. For PEZA or BOI registered companies, favorable recommendation from the PEZA or BOI, as the case may be.

5. Duly authenticated copies of the following documents:

i. Passport of the foreign national, which should be valid for a period of at least six (6) months at the time of filing of the application, showing the admission stamp and period of authorized stay.

ii. Sponsor, company's Certificate of Registration issued by the appropriate government agency, if engaged in business.

iii. Contract or Agreement between the sponsor, company of the foreign national subject of the application and the government office, agency or subdivision, or the private firm.

B. Exchange professors, fellows, students, scholars, participants, volunteers and social workers under sponsorship of recognized local or international educational scientific, cultural, relief and charitable organizations, institutions, agencies or foundations, and representatives of non-recognized foreign governments to recognized international

organizations – For exchange professors, fellows, students, scholars, participants, volunteers and social workers under sponsorship of recognized local or international educational scientific, cultural, relief and charitable organizations, institutions, agencies or foundations, including representatives of non-recognized foreign governments to recognized international organizations, the application shall consist of the following documents:

1. Duly accomplished and notarized DOJ General Application Form and Checklist (Annex 1)

2. Sworn Certification and Undertaking executed by the sponsor organization, institution, agency or foundation stating that:

i. The foreign national has no derogatory record or pending case against him/her in his/her domicile, in the Philippines, or in any other country where he/she has resided for the past five (5) years; and

ii. The sponsor organization, institution, agency or foundation shall notify the DOJ within three (3) days from termination of the program/scholarship/studies of the foreign national.

2. Duly authenticated copies of the following documents:

i. Passport of the foreign national, which should be valid for a period of at least six (6) months at the time of filing of the application, showing the admission stamp, period of authorized stay, and when required, re-entry permit to port of embarkation or country of origin.

ii. Contract or agreement between the local sponsor and the foreign national, if any.

iii. Appointment of the foreign national by the host or receiving organization, institution or foundation.

iv. Acceptance of Appointment signed by the subject foreign national.

SECTION 4. Dependents - The dependent spouse and/or unmarried minor child/ren of the foreign national covered under Section 3 hereof, including those children born during the period of the latter's authorized stay, may apply for change of admission status or inclusion as dependents under Section 1 (e) of these Guidelines, subject to the following:

(A) *Change of Admission Status of Dependents* - Upon valid entry into the Philippines and during the period of their authorized stay, the spouse and/or unmarried minor child/ren of foreign nationals covered under Section 3 hereof may be applied for change of admission status, either separately or jointly with that of the principal foreign national, as follows: