

[BI MEMORANDUM ORDER NO. MCL-09-012, June 03, 2009]

APPROVAL, IMPLEMENTATION AND RELEASE OF 9(D) AND 9(G) VISA APPLICATIONS

The following rules are issued by authority of the Commissioner of Immigration under Commonwealth Act No. 613, Section 3, as amended, to effectively carry-out Republic Act (R.A.) No. 9485 (The 2007 Anti-Red Tape Act) that directs government agencies to: (1) Prevent unnecessary delays; (2) Hasten government transactions and (3) Provide stiff penalties for non-compliance.

Thus, to expedite the approval, implementation and release of visa applications under C.A. No. 613, Sections 9(d) and 9 (g), as amended:

1. Commercial, non-commercial and (religious-charitable) missionary visa applications shall be resolved by the Board of Commissioners (BOC) convening as a collegial body with a *quorum* present. The decision of any two members of the BOC shall prevail. For this purpose, the Commissioner of Immigration shall preside as BOC Chairman.

2. Each BOC decision/resolution/order under this Memorandum Order shall state clearly and distinctly the facts and the applicable law. Individual acts/decisions/resolutions/orders/correspondences by BOC members on matters requiring BOC action are unauthorized, and are hereby set aside.

3. After deliberation, a BOC member shall have within three (3) days to officially submit written separate opinions, comments, etc. concerning a visa application; otherwise, this privilege is waived. For this purpose, the BOC Secretary shall: (i) Receive and attach the BOC member's concerns to the visa application; (ii) Calendar these concerns for immediate BOC resolution; and (iii) Maintain a complete record of BOC deliberations.

4. Commercial, non-commercial and (religious-charitable) missionary visa applications shall be decided within ten (10) days following its submission. The parties shall be notified of the decision personally or registered mail addressed to their counsel on record, if any, or to them.

For this purpose, official written notices of BOC visa-approval/denial shall be immediately sent to parties through the fastest means available by the BOC Secretary, who shall always attach proof of notice on each visa application.

5. The decision of the BOC shall become final and executory ten (10) days after the receipt by the parties, unless an appeal or judicial review, if proper, is perfected. One motion for reconsideration shall be allowed.