

**[BI MEMORANDUM ORDER NO. ADD-02-018,
APRIL 9, 2002, April 09, 2002]**

BI POLICY ON EMPLOYMENT OF ALIENS IN THE PHILIPPINES

Presidential Decree (P.D.) No. 442 (The Labor Code) Article 40, as amended, directs non-resident aliens to obtain labor permits from the Department of Labor and Employment (DOLE), if they seek gainful employment in the Philippines. For immigration purposes, the term "non-resident aliens" shall refer to *non-immigrants*.

On the other hand, the Implementing Rules of the Labor Code, Rule XIV, Section 3 only requires resident aliens to register at the DOLE. Hence, for immigration purposes, labor permits shall be optional for resident aliens seeking gainful employment. However, the term "resident aliens", as used in this memorandum order, shall refer to immigrants under the following laws, rules and regulations:

1. Commonwealth Act (C.A.) No. 613, Section 13, as amended;
2. C.A. No. 613, Section 13(a), (b), (c), (d), (e), (f) and (g);
3. BI Law Instruction No. 33 (series of 1988);
4. Executive Order No. 324 (series of 1988);
5. Note Verbale No. 903730 (17 September 1990);
6. BI Office Memorandum Order No. 60 (18 October 1990);
7. BI Office Memorandum Order No. 77 (7 February 1991); and
8. Republic Act Nos. 7919 and 8274.

All other "resident aliens", however, who are not categorized as immigrants under this memorandum order, are deemed *non-immigrants* and must secure labor permits under P.D. No. 442, Section 40.

Non-compliance shall subject the alien concerned to deportation proceedings under Commonwealth Act No. 613, Section 37(a) (7) in relation to BI Memorandum Order Nos. ADD-01-004 and ADD-01-035 dated 7 June and 22 August 2001.

This memorandum order shall take effect immediately.

Adopted: 9 April 2002

(SGD.) ANDREA D. DOMINGO
Commissioner