

**[CID LAW INSTRUCTIONS NO. 8, February 03,
1988]**

PRE-ARRANGED EMPLOYMENT VISA

1. Pre-Arranged employment visa shall be issued only to persons who fulfill the requirements of Immigration Act, Section 9 para. (g) and Section 20 para. (a) which provide:

"SEC. 9. Aliens departing from any place outside the Philippines, who are otherwise admissible and who qualify within one of the following categories, may be admitted as non-immigrants:

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"(g) An alien coming to prearranged employment, for whom the issuance of a visa has been authorized in accordance with Section Twenty of this Act, and his wife, and his unmarried children under twenty-one years of age, if accompanying him or if following to join him within a period of six months from the date of his admission into the Philippines as a non-immigrant under this paragraph. (As Amended by Rep. Act No. 505).

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"SEC. 20(a) a passport visa for non-immigrant referred to in Section Nine (g) of this Act who is coming to prearranged employment shall not be issued by a Consular Officer the Consular Officers shall have received authorization for the issuance of the visa. Such authorization shall be given only on petition filed with the Commissioner of Immigration establishing that no person can be found in the Philippines willing and competent to perform the labor or service for which the non-immigrant is desired and that the non-immigrant's admission would be beneficial to the public interest. The petition shall be made under oath in the form and manner prescribed by regulations, by the prospective employer or his representative. The petition shall state fully the nature of the labor or service for which the non-immigrant is desired, the probable length of time for which he is to be engaged, the wages and other compensation which he is to receive, the reason why a person in the Philippines cannot be engaged to perform the labor or service for which the non-immigrant is desired and why the non-immigrant's admission would be beneficial to the public interest. The petition shall be accompanied by a certified copy of any written contract agreement entered into for the immigrant's service and shall contain such additional information as may be deemed material. Substantiation of all the allegations made in the petition shall be required and the allegations that no person can be found in the

Philippines willing and competent to perform the labor or service for which the non-immigrant is desired and that the non-immigrant's admission would be beneficial to the public interest shall be established beyond doubt by convincing and satisfactory evidence."

2. No petition for change of category from one class of non-immigrant to pre-arranged employee under Section 9 para (g) shall be allowed, unless negotiations for such employment have started and a petition for the issuance of a pre-arranged employment visa has been previously filed with the Commissioner on Immigration prior to the entry of the alien concerned in the Philippines. (Opinion of the Secretary of Justice 28 August 1958).

3. A petition for pre-arranged employment visa shall state the matters enumerated in Section 20 para (a) and shall be supported by the following documents establishing that a) no person can be found in the Philippines willing and competent to perform the labor or services for which the non-immigrant is desired and that b) the non-immigrant's admission would be beneficial to the public interest:

1. Letter request from the petitioning company;
2. Application form duly filled-up and notarized;
3. Bio data of the employee;
4. Certified copy of any written contract or agreement entered into for the immigrant's service;
5. Articles of Incorporation of the petitioning company;
6. SEC Certificate of Registration of the petitioning company;
7. Alien employment permit from Department of Labor and Employment;
8. Affidavit of support/guaranty;
9. Xerox copy of the passport of the employee; and
10. Income Tax Return of the petitioner;
11. Such other documents as may be deemed necessary and material to an adequate evaluation of the petition.

4. A petition for pre-arranged employment visa shall be raffled among the three (3) Board of Special Inquiry ("BSI"). Upon finding/and certifying a petition to be complete, the BSI shall calendar the petition for hearing in open court and notify the petitioner at least three (3) days before the scheduled hearing. No postponement shall be granted. The BSI shall hear petition continuously within a period not exceeding two (2) days.

The petitioner shall present not more than two (2) witnesses in support of its petition. Any third party may file an opposition to the petition which likewise shall be heard in open court. The BSI shall submit its recommendation to the Board of Commissioner the day following the termination of the hearings in open court.