

[CID LAW INSTRUCTIONS NO. 26, May 18, 1988]

**AMENDING AND CLARIFYING CERTAIN PROCEDURES FOR
PROCESSING APPLICATION FOR PRE-ARRANGED EMPLOYMENT
AND IMMIGRATION VISAS**

1. This amends Law Instructions No. 15, Secs. 3, 4 and 8, and Law Instructions No. 13, Sec.3. This also clarifies Law Instructions No. 15, Sec. 4, para. 2 and Law Instructions No. 13, Sec. 4, para . 2.

2. Effective immediately, the certification that the documentary requirements are complete issued by the Law and Investigation Division in connection with petitions for pre-arranged employment visas under the Immigration Act, Sec. 9 (g), and for immigrant visas under the Immigration Act, Secs. 13 and 13(a) to 13(g), and other matters that fall within the competence of the Board of Special Inquiry (BSI) shall no longer be necessary. Instead, applications shall be filed directly with the BSI receiving clerk.

3. The BSI receiving clerk shall examine the petition and shall determine whether all the documents enumerated in the appropriate checklist have been submitted. If the petition is incomplete, the BSI receiving clerk shall return the application and provide the applicant with a checklist of the additional documents to be submitted. If the application is complete, the BSI receiving clerk shall certify on the face of the petition that the documents are complete. This certification merely provides a basis for accepting the application and is neither an admission as to the genuineness and authenticity of the documents nor as to their sufficiency as proof of the matters for which they are submitted.

4. The BSI receiving clerk shall then raffle the petition among the three (3) BSI and shall calendar it for hearing in open court at the earliest available date and time. He shall give the petitioner at least three (3) days notice of the scheduled hearing and shall inform the petitioner to bring the original documents for verification at the hearing. No postponement shall be granted. The BSI shall hear a petition continuously within a period not exceeding two (2) days, except that in exceptional cases and for good and meritorious grounds, the BSI may, upon the request of the petitioner and in the exercise of its discretion, set one final hearing date. The setting of the final hearing shall be in addition to and shall not prejudice the previously calendared petitions which shall be heard as scheduled.

5. The petitioner shall have the option to be represented by counsel of his own choice who shall propound questions to the witnesses in the presence of the member of the CID Law and Investigation Division assigned to the case. The CID lawyer may propound additional questions to the witnesses to ensure compliance with the requirements of the law and implementing instructions.

However, if the petitioner opts not to be so represented, the CID lawyer assigned to the case shall intervene on behalf of the Commission and propound such questions