

[BOI OFFICE MEMORANDUM ORDER NO. ELM 97-007, February 19, 1997]

SPECIAL INDUSTRIAL TRAINING PERMIT

Section 9, paragraph a of the Philippine Immigration Act of 1940 (CA No. 613), as amended, states:

"Section 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;

a) A temporary visitor coming for business, or for pleasure or for reasons of health; " (underscoring supplied)

The above provision of the law has been made clearer by Section 185 of the Foreign Service Code which is hereunder quoted:

"Section 185. Visitors Coming for Business — The business of a temporary visitor may be commercial, industrial or professional character of any other legitimate activity of temporary nature. Examples of such temporary visitors are aliens entering for the purpose of attending scientific, educational or business meetings, convocations, or conventions, traveling salesman, factory or agricultural experts, consulting engineers, newspaper correspondents, writers, artist, lecturers, and theatrical performers"

An alien is said to be on a temporary visit for business if the latter passes the administrative test as discussed in pp. 2-45, Vol. I, Immigration Law and Procedure, Gordon and Rosenfield. The elements of business of temporary character are as follows:

1. A clear intent to retain foreign residence and domicile;
2. The principal place of business, and the place where the profit accrues, remains in the foreign country; and
3. While the business activity need not be temporary, and indeed may be continued, the various entries into the Philippines must individually and separately be of a plainly temporary character.

The Philippine Immigration Act of 1940 having been patterned from the US Immigration Laws, its jurisprudence is given consideration in the application of the former. Hence, the Bureau of Immigration adopts the published Visa Official Bulletin of the State Department of the United States dated 28 September 1964 on examples of aliens who may properly be classified as visitors for business among which are those coming primarily to undertake non-competitive training and