

[POEA DEPARTMENT ORDER NO. 25, September 13, 1996]

GUIDELINES FOR THE ISSUANCE OF ALIEN REFUGEE EMPLOYMENT PERMIT TO NON-INDO CHINESE REFUGEES AS AN EXCEPTION TO ARTICLE 40, PARAGRAPH 2 OF THE LABOR CODE OF THE PHILIPPINES, AS AMENDED

Pursuant to the ratification of the 1951 United Nations Convention and the 1967 Protocol entitled "Convention and Protocol Relating to the Status of Refugees" by the Philippine government, and by virtue of Section 4 of the Revised Guidelines for the Issuance of Alien Employment Permit, the following guidelines for the issuance of AREP to Non-Indo Chinese Refugees are hereby promulgated:

SECTION 1. Issuance of an Alien-Refugee Employment Permit (AREP) — Alien-Refugee Employment Permits, pursuant to this Order, shall be issued by the Department of Labor and Employment (DOLE), through the Bureau of Local Employment (BLE), to each of the 149 Non-Indo Chinese refugees in the Philippines who are now under the protection of the United Nations High Commissioner for Refugees (UNHCR), upon filing of application and after determination/verification of their refugee status in relation to Section 2 hereof. Provided, that no work permit shall be issued to the refugee who shall engage in the practice of profession which is limited to Filipinos as provided for under Section 4, Article XII of the 1987 Constitution, until such time that the Professional Regulation Commission (PRC) has issued such Certificate of Registration or Professional License to the refugee, pursuant to applicable rules and regulations in the matter of the refugee's fulfillment of the length of stay in the Philippines, the technical capabilities which could be proven through appropriate tests, and proof of good moral character of the refugee.

SECTION 2. Conditions for Exemption — In accordance with item No. 2, Article 17, Chapter III, of the 1951 UN Convention, exemption from the restrictive imposed by paragraph 2, Art. 40, Title II, book I of the Labor Code and Letter b, No. 2, Section 5, Rule XIV, Book I of the Rules Implementing the Labor Code shall be issued; Provided, that the refugee meets any one of the following conditions:

- a. He has completed three years residence in the country; or
- b. He has a spouse possessing a Filipino nationality. A refugee may not invoke the benefits of these provisions if he has abandoned his spouse; or
- c. He has or more children possessing a Filipino nationality.

SECTION 3. Requirements for the Issuance/Renewal of Alien-Refugee Employment Permit — Duly accomplished application forms in duplicate copies shall be filed in person by the refugee with the BLE. The application to be accepted must be