NATIONAL ADMINISTRATIVE REGISTER · MARCH 4, 2002

IMPLEMENTING GUIDELINES FOR FIVE-YEAR TEMPORARY RESIDENCE VISA (TRV) FOR INDIAN NATIONALS

MEMORANDUM ORDER NO. ADD-02-003, MARCH 4, 2002, March 04, 2002

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Pursuant to Memorandum Order No. ADD-01-038 dated 18 September 2001 and the letter dated 29 August 2001 from the Charge d' Affaires of the Indian Embassy, the following Guidelines are hereby prescribed to implement the five (5)-year temporary residence visa (TRV) for Indian nationals.

1. An Indian national, who is married to a Philippine spouse, shall be granted a five (5)-year temporary residence visa upon submission of the following:

a. A verified letter request from the petitioner (Filipino spouse);

b. A notarized General Application Form duly accomplished, signed by both the petitioner and applicant;

c. 2 x 2 ID picture to be attached in the General Application Form;

d. True copies of the following:

1. Passport of the applicant with valid entry and admission into the country and updated stay (for change of status) or TRV (for extensions);

2. Alien Certificate of Registration (ACR); and

3. Certificate of. Residence.

e. Clear photocopy of the Marriage Certificate duly authenticated by the National Census and Statistics Office (NCSO);

f. Clear photocopy of the NCSO-authenticated Birth Certificate of the Philippine spouse;

g. Clear photocopy of the NCSO-authenticated Birth Certificate of their child, if any;

h. Joint Affidavit of the petitioner and the applicant stating that:

1. They are legally capacitated to contract marriage;

2. They are husband and wife and are living together; and

3. They are financially capable of supporting each other.

Important: Supporting documents to prove financial capacity such as bank certification of JOINT bank account, income tax return, land titles, contract of employment, proof of salaries and pensions, certificate of registration of business name, business permit, etc. must be submitted.

i. A verified Barangay Certificate of residence issued by their Barangay Chairman

j. Certificate of Legal Capacity To Contract Marriage duly issued by the Indian Embassy;

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k. BI-NICA and NBI `No Derogatory' Clearances;

l. Medical Certificate from the Bureau of Quarantine that the Indian spouse is not afflicted with any contagious, dangerous and loathsome disease; and

m. Official Receipt for the application fee in the amount of P7,550.00.

2. The application and their attachments shall be filed at the Receiving Section (Window 1) at the ground floor of the Main Building, Magallanes Drive, Intramuros, Manila.

Applications filed at sub-ports shall be immediately forwarded to the Office of the Commissioner for evaluation.

3. Each application shall be evaluated by the Office of the Commissioner or to whoever it may authorize in its behalf. Should a hearing be necessary, a notice of hearing shall be sent by registered mail to the given address of the applicant and petitioner; otherwise, the application shall be recommended to the Board of Commissioners for action. A hearing shall be conducted to determine the qualifications of the applicant. The failure to attend the scheduled hearing date, despite notice, shall cause for the summary dismissal of the petition. Likewise, the failure to complete all the documents as stated in No. 1 hereof shall be a reason for the summary dismissal of the application.

4. Within ten (10) working days from receipt of the application or from the hearing, the Office of the Commissioner or its duly designated representative shall submit its recommendation to the Board of Commissioners for action. A certified true copy of the BOC action shall be immediately sent by registered mail to the applicant concerned.

5. Upon approval, the applicant shall proceed to the Office of the Executive Director for visa implementation upon the payment of the following immigration fees:

TRV Change (5 years)

ACR & form fee

5,250.00

Change/status fee

3,000.00

ICR & form fee

7,250.00

Head Tax

1,250.00

Passport Visa fee

1,000.00

Implementation fee

5,000.00

Legal Research fee (LRF)

250.00

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Express fee

2,500.00

Total

P25,500.00

TRV Extension (5 years)

5-year extension

9,000.00

Passport Visa fee

1,000.00

Implementation fee

2,500.00

Service fee

2,500.00

Legal Research fee (LRF)

200.00

Express fee

2,500.00

Total

P17,700.00

In the event that the decision of the BOC is adverse to the applicant and petitioner, they may file a motion for reconsideration within five (5) calendar days from receipt of the Order of denial. Motions for reconsideration filed out of time shall not be entertained. No second motion for reconsideration shall be entertained.

6. The TRV under Memorandum Order No. 01-038 shall be effective for five (5) years from the date of approval, renewable for another five (5) years. Applications for renewal of the TRV shall be filed one (1) month before its expiration date. An application for renewal filed after its expiry date shall be summarily denied.

7. Pending applications for change of status to temporary resident and extensions that have not been acted upon by the Board of Commissioners may be subject to the provisions of Memorandum Order No. ADD-01-038 and the letter dated 29 August 2001 provided the fees as outlined above be paid.

8. At any time during the five-year period or any subsequent extensions thereof, the Board of Commissioners may revoke, upon proper notice and hearing, the TRV for any of the following causes:

a. The subsequent discovery that the document/s presented in support of the application was/were spurious;

b. The subsequent discovery that the marriage is fictitious, simulated or one contracted for convenience

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c. The subsequent discovery that the marriage is void for lack of legal capacity;

d. The commission by the alien of any act which would constitute a ground for deportation under Section 37 of the PIA, as amended;

e. The commission by the alien of the offenses defined in Section 45 and 46 of the PIA, as amended; and

f. A determination by competent authority that the Indian spouse is a threat to national security, public safety or public health.

9. For alien registration purposes, the Chief of the Alien Registration Division shall issue the corresponding Alien Certificate of Registration and Immigrant Certificate of Residence indicating the basis of issuance as follows: 'Issued under OMO No. ADD-01-038 dated 18 September 2001, Indian Embassy letter dated 29 August 2001 (No. MANI/CONS/4102/2001 and BOC-approval dated _____).'

Adopted: 4 March 2002

(SGD.) ANDREA D. DOMINGO
Commissioner

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