

IMPLEMENTING GUIDELINES FOR THE PERMANENT RESIDENT VISA OF CHINESE IN THE PHILIPPINES

BI OFFICE MEMORANDUM ORDER NO. MCL-07-005, December 21, 2007

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Pursuant to Memorandum Order No. MCL-07-021 dated December 14, 2007 which was duly approved by the Secretary, Department of Justice and the letter dated October 17, 2007 from the Counselor and Consul General, Embassy of the People's Republic of China, the following guidelines are hereby prescribed to implement the permanent resident visa to Chinese nationals which is being granted on the basis of reciprocity:

1. Coverage

A. Chinese national who has investment in the Philippines shall be granted a quota or preference visa under Section 13 of Commonwealth Act No. 613, as amended, subject to the numerical limitation of 50 nationals per calendar year, upon submission of the following:

1. General application form duly accomplished and notarized (BI Form No. MCL-07-01)
2. True copy of petitioner's passport showing the BI stamp of admission and validity of stay
3. Proof of investment in the Philippines of at least US\$40,000 or possession of special qualification or skill
4. Medical Certificate from the Bureau of Quarantine stating that the alien is not afflicted with any dangerous, contagious or loathsome disease
5. BI and NICA clearances, and
6. Payment of the application and express lane fees

The legal spouse and the natural and legitimate child/ren who is/are under 21 years of age and unmarried of the petitioner may be applied for as his/her dependents upon submission, among other things, of proofs of relationship duly authenticated by the Philippine Foreign Service Post located in the petitioner's country of origin.

B. Chinese national who is validly married to a Filipino spouse shall be granted permanent resident visa under Memorandum Order No. MCL-07-021 upon submission of the following:

1. A verified letter request from the petitioning Filipino spouse
2. General Application Form duly accomplished and notarized (BI Form No. MCL-07-01)
3. Plain photocopy of passport of alien spouse showing dates of arrival and authorized stay
4. NSO-issued Marriage Certificate or if they were married outside of the Philippines, the Marriage Certificate must be authenticated by the Philippine Embassy/Consulate in the place where the marriage was solemnized
5. NSO-issued Birth Certificate of the petitioning Filipino spouse
6. NSO-issued Birth Certificate/s of minor child/ren
7. BI clearance, and
8. Payment of the application and express lane fees.

C. Chinese national who is validly married to a lawful permanent resident alien in the Philippines, including their legitimate and natural children, shall be granted permanent resident visa under Memorandum Order No. MCL-07-021 upon submission of the following:

1. A verified letter request from the petitioning permanent resident

2. General Application Form duly accomplished and notarized (BI Form No. MCL-07-01)
3. True copies of the following:
 1. Passport of the applicant with valid entry visa and admission into the country and updated stay;
 2. Passport of the petitioner with the permanent resident visa stamped on it; and;
 3. ACR I-Card of the petitioner.
4. Clear photocopy of the Marriage Certificate or Birth Certificate or Family Register, as the case may be, duly authenticated by the Philippine Consulate/Embassy located in the applicant's country of origin or residence evidencing his/her relationship to the petitioner.
5. BI Clearance, and
6. Payment of the application and express lane fees

Lawful permanent alien resident shall refer to non-citizens, who acquired legal residence in the Philippines under any, but not limited to, the following:

1. Commonwealth Act No. 613, as amended
 2. EO No. 324 (series of 1988) also known as the 'Alien Legalization Program of 1988', and
 3. RA 7919 and RA 8274 also known as the 'Alien Social Integration Act of 1995'
2. The application and its 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 the sub-ports shall be immediately forwarded to the Office of the Commissioner for appropriate evaluation.

3. Each application shall be evaluated by the Office of the Commissioner or to whoever 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 petitioner and applicant; otherwise, the application shall be recommended to the Commissioner or to the Board of Commissioners as the case may be, for action. A hearing shall be conducted to determine the qualification of the applicant. The failure to attend the scheduled hearing date, despite notice or without sufficient justification, shall cause for the summary dismissal of the petition, likewise, the failure to complete all the documents as stated in No. 1 hereof may be a reason for the summary dismissal of the application.

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

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

In the event that the decision of the Commissioner or the Board of Commissioners, as the case may be, is adverse to the petitioner and applicant, 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. At any time during the validity of the permanent resident visa under Section 13 of Commonwealth Act No. 613, as amended, and Memorandum Order No. MCL No. 07-021, the Board of Commissioners may revoke, upon proper notice and hearing, said visa granted to the Applicant 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 investment or relationship as represented in the application is false.

- c. The subsequent discovery that the marriage is void
- d. The commission by the applicant of any act which would constitute a ground for deportation under Section 37 of the PIA, as amended.
- e. The commission by the applicant of the offenses defined in Section 45 and 46 of the PIA, as amended, and
- f. A determination by competent authority that the applicant is a threat to national security, public safety or public health.

For alien registration purposes, the Chief of the Alien Registration Division shall issue the corresponding ACR I-Card indicating the basis of issuance as follows, 'Issued pursuant to Memorandum Order No. MCL-07-021 dated December 14, 2007 and BOC approval date ____.'

Adopted: 21 Dec. 2007

(SGD.) MARCELINO C. LIBANAN
Commissioner

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