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 A...

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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 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 accompanied by:

1. Bio-date of the refugee with 2 x 2 picture;

2. Marriage Contract, if married to a Filipino;

3. Contract of employment/appointment of the refugee including the duties and responsibilities to be performed;

4. Certificate from the Representatives of the UNHCR Branch Office in the Philippines, certifying the fact that the refugee has satisfied any one of the conditions in the preceding Section;

5. Security clearance from the National Intelligence Coordinating Agency (NICA);

6. Endorsement from the Refugee Services of the Philippines, Inc. (RSPI) or any other duly authorized representative of UNHCR; and

7. Any other document that may be required by the Secretary of Labor or his duly authorized representative.

SECTION 4. Validity of the Alien-Refugee Employment Permit — An Alien-Refugee Employment Permit (AREP) shall be valid for a period of one (1) year from date of issue, except in cases calling for a shorter period of employment or when the permit is earlier revoked for cause, subject to applicable laws, rules and regulations. Upon expiration, the AREP may be renewed annually upon approval of the Secretary of Labor or his duly authorized representative.

Applications for renewal of AREP shall be filed with the BLE together with the documents required under Section 3 hereof, at least forty-five (45) days from its the expiration.

SECTION 5. Revocation/Cancellation of Alien-Refugee Employment Permit — The AREP shall be revoked/cancelled by the Secretary of Labor or his duly authorized representative on any of the following grounds:

a. Conviction of a crime involving moral turpitude;

b. Practice of profession which is limited only to Filipino citizens under Article XII of the 1987 Constitution unless issued Professional License or Certificate of Registration by the PRC;

c. Change of employer or transfer to another job without prior approval of the BLE;

d. Violations of applicable rules and regulations relative to the implementation of the Alien Employment Permit System;

SECTION 6. Permit Fee — A fee of One Hundred Pesos (P100.00) shall be paid to the Department of Labor and Employment for the issuance/renewal of an AREP.

In case of loss of the AREP card, its replacement shall be charged Fifty Pesos (P50.00) upon presentation of proof of its loss.

SECTION 7. Monitoring — For purposes of monitoring, the Refugees Services Philippines, Inc. (RSPI) or any agency authorized by the UNHCR shall submit a status report to the Bureau of Local Employment not later than the 15th of January every year.

This Order shall take effect immediately.

Adopted: 13 Sept. 1996

(SGD.) LEONARDO A. QUISUMBING
Secretary

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