INTERIM GUIDELINES FOR ISSUANCE OF RESIDENT, EMPLOYEE VISAS AND/OR WORK PERMITS

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Pursuant to Section 4 (e) of Republic Act 7922, otherwise known as the “Cagayan Special Economic Zone Act of 1995”, the Cagayan Economic Zone Authority hereby adopts the following guidelines for the issuance of resident, employee visas and/or work permits to foreign nationals.

ARTICLE I - PRELIMINARY PROVISIONS

Section 1. Title. These guidelines shall be known as CEZA ADMINISTRATIVE ORDER NO. 002-2000.

Section 2. Statement of Policies . Pursuant to its mandate, the Authority is authorized, among other powers, to grant permanent resident status to qualified investors and to issue working visas within the CSEZFP to foreign executives and other foreign nationals possessing highly technical skills which no Filipino citizen within the CSEZFP possesses, as certified by the CEZA Labor Employment and Productivity Office (LEPO).

These guidelines therefore, shall lay out the policies relative to the issuance of resident, employee visas and/or work permits.

Section 3. Applicability. These guidelines shall apply to all foreign nationals qualified as investors/locators for the issuance of resident visas, and foreign employees by the CSEZFP Registered Enterprises possessing highly technical skills, which no Filipino citizen within the CSEZFP possesses, as certified by the CEZA Labor Employment and Productivity Office (LEPO), for the working permits.

Section 4. Definition of Terms. For the purpose of this Administrative Order, the terms used herein shall mean as follows:

a. “RA 7922” shall refer to Republic Act No. 7922, otherwise known as the “Cagayan Special Economic Zone Act of 1995”.

b. “CEZA” shall refer to the Cagayan Economic Zone Authority, a government corporate body established pursuant to RA 7922.

c. “CSEZFP” shall refer to the Cagayan Special Economic Zone and Freeport defined in Section 3 of RA 7922 as a separate customs territory covering the entire area embraced by the Municipality of Santa Ana and the islands of Fuga, Barit and Mabbag in the Municipality of Aparri, all in the province of Cagayan.

d. “DFA” shall refer to the Department of Foreign Affairs.

e. “BSP” shall refer to the Bangko Sentral ng Pilipinas.

f. “BID” shall refer to the Bureau of Immigration and Deportation.

g. “Certificate of Registration” shall refer to the document issued by CEZA as evidence that the business entity is registered as a CSEZFP Enterprise.

h. “CSEZFP Registered Enterprise” shall refer to any sole proprietorship, partnership, corporation, association

or other form of business entity, including CEZA, locating in, and duly registered with and/or licensed by CEZA to engage in any lawful economic activity within the CSEZFP.

i. “Foreign National” shall refer to a natural person who is not a citizen of the Philippines.

j. “LEPO” shall refer to the CEZA Labor Employment and Productivity Office, which shall certify that no Filipino citizen within the CSEZFP possesses highly technical skills needed by the CSEZFP Registered Enterprise.

ARTICLE II - PROCEDURAL GUIDELINES

Section5. CEZA Investor’s Resident Visa (CIRV). All investors within the CSEZFP whose continuing investment shall not be less than One Hundred Fifty Thousand United States Dollars (US$150,000.00) or its equivalent in other acceptable foreign currency shall be issued or granted a CIRV, provided that the investors may allocate equivalent units of their investments to the foreign nationals assigned to render service to the said investors within the CSEZFP for purposes of complying with the requirements of the law and this paragraph.

Section6. Nature of the CIRV. The CIRV shall be issued pursuant to the provisions of the Act and shall entitle the holder to reside in the CSEZFP for as long as his investment shall not be less than One Hundred Fifty Thousand United States Dollars (US$150,000.00) or its equivalent in other acceptable foreign currency, as provided for in Section 4 (e) of RA 7922.

Section7. Persons Entitled to the CIRV.

A. Any foreign national who invests at least One Hundred Fifty Thousand United States Dollars (US$150,000.00) in the CSEZFP or an equivalent amount has been allocated to him by the investor within the CSEZFP, may be issued a CIRV, provided, that for purposes of compliance with this particular condition, the foreign national should prove that he has remitted such amount in acceptable foreign currency to the CSEZFP; Provided, further, that if the foreign national is merely an assignee, he does not fall under any of the disqualifications under Sec. 7B herein.

B. The following persons are disqualified from being issued a CIRV:

1. Has been convicted of a crime involving moral turpitude;

2. Is afflicted with any loathsome, dangerous or contagious disease;

3. Has been committed to an institution for any mental disorder or disability;

4. Is a national of a restricted country as classified by the DFA. For purposes of this administrative order, the term restricted country shall mean one with which the Philippines has severed diplomatic and/or trade relations; and

5. Has violated any Philippine laws, rules or regulations.

The foreign national’s spouse and dependent unmarried children under 21 years of age (at time of application) may also be issued the same visa as dependents of the foreign national investor, provided that they accompany or join him within six (6) months after his admission into the CSEZFP as a CIRV holder.

Section8. Procedure for Issuance of the CIRV. The CIRV shall be applied for by the foreign national with the Philippine Embassy or Consulate at or nearest his country or place of residence, or directly with CEZA. Applications filed within the Philippine Foreign Service missions shall be transmitted to CEZA, through the DFA, for processing and approval. CIRV applications approved by CEZA shall be endorsed to the DFA for issuance of

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the CIRV. The Philippine Embassy or Consulate shall issue the CIRV after the applicant presents himself to the Philippine Embassy/Consulate together with pertinent documents to verify his identity and/or admissibility.

If a foreign national has already been admitted into the Philippines under any admission category as provided for by the Immigration Act or other special laws, he may file an application for the adjustment of his status to that of the CIRV holder. He shall file the application for CIRV together with duly authenticated documents enumerated under SECTION 9 of these guidelines with CEZA, which shall act on the same. CEZA shall endorse to the BID the approved applications for granting of the CIRV.

Section9. Proof of Qualification for CIRV. To establish the qualifications imposed in Section 4 (e) of RA 7922, the following documents shall be submitted:

a. Photocopy of Certificate of Registration as a CSEZFP Enterprise;

b. Copy of the Articles of Incorporation;

c. Proof of inward remittance of at least US$150,000;

d. Proof that the investment of US$150,000 still subsists, either in the form of cash, near cash, or property;

e. Duly accomplished application form - ANNEX A;

f. Certificate under oath from a duly authorized physician that the applicant is not suffering or is not affected with any loathsome, dangerous and contagious disease;

g. Certificate from any competent mental institution that the applicant has not been institutionalized for any mental health disorder or disability; if secured in applicant's country or place of residence, it must be duly authenticated by the Philippine Embassy or Consulate in or closest to the applicant's country;

h. NICA Clearance;

i. Copy of Passport;

j. NBI Clearance; and

k. BID Clearance.

If the applicant's spouse and/or children should likewise apply for a CIRV, the following must be submitted in addition to those enumerated in "a" to "k" above:

a. For the spouse, certified true copy of marriage contract duly authenticated by the Philippine Embassy or Consulate in or closest to applicant's country; and

b. For their minor children, certified true copy of their birth certificates or any instrument showing proof of filiation authenticated by the Philippine Embassy or Consulate in or closest to applicants country.

Section10. Registry of Investment. Upon issuance of the CIRV, the DFA shall duly inform CEZA, which in turn shall inform the BSP of particulars concerning the investor, the correspondent bank and the investment.

The investor shall have one-hundred eighty (180) days from the day of remittance to make the investment and to report such investment to CEZA and to register with the BSP in the prescribed form. Failure to file the foregoing report within three (3) months from the date investment was made shall automatically revoke the CIRV. CEZA shall endorse the order of revocation to the BID and DFA for appropriate action.

CEZA shall regularly monitor and keep a registry of all CIRV investments. It shall report any withdrawal or transfer thereof to the BID and DFA. The CIRV shall be automatically terminated and/or revoked under

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applicable provisions for the reasons and under the grounds provided for in the Rules and Regulations Implementing RA 7922.

Seciton 11. Annual Report . At the end of each year the CIRV holder shall file a sworn report with CEZA stating that his investment has not been withdrawn or remitted out of the CSEZFP. He shall submit the following documents:

a. Certification from the president of the recipient firm or entity that the investment is intact and the amount has not been reduced below the amount provided in R.A. 7922;

b. Certification from the BSP regarding the maintenance of the investment;

c. Audited financial statements of the business; and

d. Such other documents as may be deemed necessary and material to an adequate evaluation of the petition.

Failure to file the foregoing report within three (3) months from the end of the calendar year shall be a ground for the revocation of the CIRV.

Section12. CEZA Working Visa (CWV). Upon application by the CSEZFP Registered Enterprise, CEZA may issue a CWV to a foreign national who possesses highly technical skills, which no Filipino citizen within the CSEZFP possesses, as certified by the CEZA Labor Employment and Productivity Office (LEPO). Such visas may also be granted to foreign nationals occupying top management or executive positions in the CSEZFP Registered Enterprise.

During the term of their employment, a CWV shall be issued or granted, which shall be valid for and renewable every two (2) years, upon certification by the CEZA LEPO that there is a continuing need for the services of such foreign national in the CSEZFP.

CEZA may grant CWVs to the above-mentioned foreign nationals even prior to the issuance of the business establishment’s Certificate of Registration should special circumstances to be determined by CEZA permit.

Section13. Nature of the CWV. The CWV shall be issued pursuant to the provisions of the Act and shall entitle the holder to work in the CSEZFP for two (2) years extendable every two (2) years, provided that the employment of the foreign national subsists. The CWV shall be automatically terminated and/or revoked under the grounds provided for in the CEZA Implementing Rules and Regulations.

Section14. Persons Entitled to the CWV. Any foreign national not falling under any of the disqualifications provided under Sec. 7B, shall be entitled to 1 CWV upon submission of the following:

a. A contract of employment with a CSEZFP-registered enterprise; and

b. A certification from the CEZA LEPO that the executive or highly technical skill required by the position to be filled by him is not possessed by any Filipino within the CSEZFP as provided in paragraphs 14 and 15 of the Agreements.

Investors who fail to secure a CIRV because their investment is less than US$150,000.00 may also avail of the CWV, provided that they comply with the requirements for a CWV.

The foreign national’s spouse and dependent unmarried children under 21 years of age (as declared at the time of the application) may also be issued visas as dependents of the foreign national employee, provided that they accompany the CWV holder or join him within six (6) months after his admission into the CSEZFP as a CWV holder.

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Section15. Procedure for the Issuance of CWV. The application for CWV shall be filed by the foreign national with the Philippine Embassy or Consulate at or nearest his country or place of residence, or directly with CEZA. Applications filed with the Philippine Foreign Service missions shall be transmitted to CEZA, through the DFA, for processing and approval. CWV applications approved by CEZA shall be endorsed to the DFA for issuance of the CWV. The Philippine Embassy or Consulate shall issue the CWV after the applicant presents himself to the Philippine Embassy/Consulate together with pertinent documents to verify his identity and/or admissibility.

If a foreign national has already been admitted into the Philippines under any admission category as provided for by the Immigration Act or other special laws, he may file an application for the adjustment of his status to that of the CWV holder. He shall file the application for CWV together with duly authenticated documents with CEZA, which shall act on the same and issue the CWV. CEZA shall forward to the BID the approved applications within ten (10) days from issuance.

Section16. Proof of Qualifications for CWV. The following documents shall be submitted to establish the qualifications imposed in Section 4 (e) of RA 7922:

a. Letter from petitioning company requesting the service of the foreign national;

b. Duly accomplished Application Form (notarized) - ANNEX B;

c. 2 x 2 picture attached to the Application Form;

d. Certified true copy of the written contract or agreement entered into for the applicant’s services, specifying scope of work, exact compensation and other benefits to be received;

e. Alien Employment Permit (AEP) from the DOLE;

f. Affidavit of Support/Guarantee executed by a responsible officer of the petitioning company;

g. Copy of Applicant’s passport showing admission status and valid date of stay; and

h. Such other documents, as CEZA may deem necessary and material for an adequate evaluation of the petition.

If the applicant’s spouse and/or minor children should accompany him, the following must be submitted in addition to those enumerated above:

a. True copies of the passports of the spouse and the unmarried minor children;

b. Birth Certificate or other proof of filiation and/or marriage contract duly authenticated by the appropriate Philippine Consular Office; and

c. Certified true copies of their ACR and CIRV, if already obtained, and documents showing admission status.

Section17. Admission Status. Subject to existing laws and regulations on the admission of foreign nationals, immigration officers at the ports of entry shall admit the CIRV/CWV holder under the same terms and conditions as when he left the Philippines.

A CIRV/CWV holder shall be allowed multiple entry privileges into the country without the necessity of obtaining appropriate Alien Certificates of Registration, Re-Entry Visa, Special Return Certificate (SRC), Emigration Clearance Certificate (ECC) and all other types of clearances requited by any government department or agency other than CEZA.

Section18. Alien Employment Permit (AEP). As a prerequisite to the issuance of the CWV or the adjustment of status to that of a CWV holder, the foreign national shall secure an AEP from the DOLE representative who shall

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temporarily hold office in the CEZA Administration Building in Santa Ana, Cagayan. The DOLE representative shall grant the same on the basis of non-availability of the services of Filipino experts within the CSEZFP, as certified by the CEZA LEPO, and upon the application of the petitioning company and upon submission of the required documents.

Section19. CEZA Understudy Training Program. The DOLE representative shall issue an AEP to a foreign national upon proof that his prospective employer is a CSEZFP Registered Enterprise and has secured a CEZA LEPO-approved Understudy Training Program, unless such foreign national is a top managerial executive or the like not covered by the Understudy Training Program of the CEZA LEPO. Such certification shall be included, as well as evidences of all other government registrations required by the DOLE, including registrations with the Securities and Exchange Commission and the Board of Investments.

Section20. Provisional Permit to Work (PPW). Upon filing of application for working and residency visa, an applicant may be issued a PPW, which shall be effective for a period of thirty (30) days and renewable every thirty (30) days thereafter but not to exceed one (1) year, under the conditions and provisions of the CEZA Implementing Rules and Regulations. CEZA shall report the names of the foreign nationals who are granted visas under this category to the BID and DOLE within thirty (30) working days from issuance.

The PPW shall be automatically cancelled upon issuance of the CIRV/CWV or denial of the application. In the latter case, the petitioning company shall ensure the repatriation of the alien employee and members of his family within fifteen (15) days from date of receipt of notice of denial. A fine of US$150,000.00 shall be imposed upon the petitioning company should the alien or any member of his family fail to return to his country of origin within the stated period without prejudice to other administrative sanctions that CEZA may deem appropriate, including but not limited to cancellation of the company's Certificate of Registration.

Section21. Revocation or Termination of Residency Visas of Investor. The residency visas of the investor, spouse and children automatically terminates when the investor, his spouse, children or any other individual or entity acting in his behalf, takes the investment out of the CSEZFP through sale or payment, in cash or in kind, of grants, donations, or interest-free loans other than the return of principal. CEZA may also revoke summarily or after hearing the residency visa of any investor, spouse, or child under the grounds provided in CEZA's Implementing Rules and Regulations, as may be applicable

ARTICLE III - EFFECTIVITY

Section22. Effectivity. This Administrative Order shall take effect and shall be published in at least one (1) newspaper of general circulation upon signing.

4 May 2000

(SGD.) RODOLFO O. REYES
Administrator and Chief Executive Officer

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