

RULES GOVERNING THE ISSUANCE OF SPECIAL WORK PERMIT (SWP), PROVISIONAL PERMIT TO WORK (PPW), AND PRE-ARRANGED EMPLOYMENT VISA UNDER SECTION 9(G) OF THE PHILIPPINE IMMIGRATION AC...

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WHEREAS, Section 1 of Memorandum Order AFF Jr. No. 05-009 dated 09 February 2005 provides for a non-extendible Special Work Permit (SWP) for non-resident aliens;

WHEREAS, Section 2 of the same Memorandum declares that the application for Alien Employment Permit (AEP) shall serve as a Provisional Permit to Work (PPW) while the AEP is being processed;

WHEREAS, Section 4 of the same Memorandum provides for a simplified procedure for the approval and issuance of a pre-arranged employment visa or working visa under Section 9(g) of the PIA, as amended;

WHEREAS, Section 5 of the said Memorandum authorizes the Executive Director of the Bureau of Immigration to formulate the implementing rules and regulations thereof;

WHEREFORE, the following rules are hereby adopted to implement the provisions of Memorandum Order AFF Jr. No. 05-009.

SECTION 1. Coverage - The following provisions and rules on SWP shall apply to non-resident aliens who will be employed in the Philippines for less than six (6) months and who are not performing artists or journalists. The provisions and rules on PPW shall apply to non-resident aliens who intend to work in the country for a period of more than six (6) months but not more than one (1) year. The provisions and rules on the approval and issuance of 9 (g) visa shall apply to all non-resident aliens who intend to work as pre-arranged employees in the country and comply with the requisites stated in Section 20 (a) of the Philippine Immigration Act, as amended.

SECTION 2. Validity of the Special Work Permit - The maximum period of validity for a SWP is six (6) months. Qualified applicants shall be granted SWP for an initial validity of three (3) months. Those who intend to work for a longer period shall be given a final extension of another (3) months.

SECTION 3. Who may avail of the Provisional Permit to Work. Validity. Holders of SWP who intend to work in the country for a longer period than six (6) months shall apply for a PPW with the Bureau of Immigration. Non holders of SWP who intend to work in the country for a period of more than six months shall likewise apply for a PPW. Applicants for a 9 (g) working visa who commence employment while their applications are still pending must secure a PPW.

A PPW shall be valid for a maximum period of one (1) year.

SECTION 4. Alien Employment Permit not a requirement for Provisional Permit to Work - An AEP shall not be required for the issuance of a PPW. In lieu thereof, proof of application for an AEP shall suffice.

SECTION 5. Requirements for the 9(g) working visa. A working visa application under Section 9(g) of the

Philippine Immigration Act shall be accepted upon submission of the minimum requirements, as follows: a) duly accomplished and notarized general application form showing that applicant has no derogatory record with the Bureau; b) petition or application letter signed by the authorized representative of the petitioning company or entity; c) a valid contract of employment and; d) AEP together with the documents submitted to DOLE for the issuance thereof.

All applications shall be subject to the evaluation and verification of the assigned Legal Officer. Additional documents may be required of the applicant if the need therefor arises.

SECTION 6. Validity of the 9(g) working visa. An approved application for a 9(g) working visa shall be valid for a period of three (3) years or for a period co-terminus with the AEP issued by the DOLE, whichever is shorter.

SECTION 7. Application fees for 9(g) working visa. The fees for applications for conversion of admission status from temporary visitor under Section 9 (a) of the Philippine Immigration Act to pre-arranged employment visa under Section 9(g) of the same law shall be as follows: a) the fee for a principal applicant shall be two thousand five hundred pesos (P2,500) multiplied by the number of years that the applicant has been authorized to work in the country as reflected in the AEP and b) the fee for a dependent shall be one thousand five hundred pesos (P1,500) multiplied by the number of years that the principal has been authorized to work in the country.

The fees for applications for extension of 9(g) working visa shall be as follows: a) the fee for a principal applicant shall be one thousand five hundred pesos (P1,500) multiplied by the number of years that the applicant has been authorized to work in the country as reflected in the AEP and b) the fee for a dependent shall be five hundred pesos (P500) multiplied by the number of years that the principal has been authorized to work in the country.

SECTION 8. One-stop Processing Center for 9 (g) working visa applications. Duties of the Legal Officers. A One-Stop Processing Center under the Office of the Commissioner shall be created to accept and evaluate applications for a 9(g) working visa.

Five (5) Legal Officers shall be designated to process applications for 9(g) working visa. They shall ensure the authenticity of the supporting documents submitted and conduct the necessary verification as may be required by each case.

After conducting the necessary verification, the Legal Officers shall make their recommendations to the Board of Commissioners (BOC). They shall prepare the appropriate agenda showing the name of the applicants, and their recommended action for deliberation by the BOC.

SECTION 9. Effectivity - This memorandum circular takes effect five (5) days after its publication in a newspaper of general circulation.

Adopted: 18 March 2005

(SGD.) ALIPIO F. FERNANDEZ, JR.
Commissioner

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