

PROCEDURES TO ABBREVIATE PROCESSING OF APPLICATIONS FOR PRE-ARRANGED EMPLOYMENT AND IMMIGRANT VISAS

CID LAW INSTRUCTIONS NO. 41, August 08, 1988

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1. This supplements Law Instructions No. 26 dated 18 May 1988.
2. Recognizing the need to expedite the procedures for processing applications for pre-arranged employment and immigrant visas, in order to meet the time frame, set forth in the Immigration Manual of February 1988, the following abbreviated procedures are adopted:
 - a. The detailed checklists of the documentary requirements for applications for pre-arranged employment and immigrant visas are set forth in the Immigration Manual. Before filing, applicant must make sure that all these documentary requirements have been submitted together with the application. If, for any reason, any of the documentary requirements are not applicable or cannot be submitted, an adequate explanation must be given at the time of filing. Submit only two photocopies of the complete documents — one to be filed by the applicant at the CID and the other to be stamped received by the receiving clerk and returned to the applicant for his personal file. If, for any reason, the application filed in the CID is lost the applicant can present his copy of the documents as proof of submission;
 - b. Have the two photocopies received at the ground floor receiving area. Proceed to the BSI receiving clerk at the 4th Floor for checking on the completeness of the documents. If the application is incomplete, the BSI receiving clerk shall return the application and provide the applicant with a checklist of the additional documents to be submitted. If the application is complete, the BSI receiving clerk shall certify on the face of the checklist that the documents are complete. This certification merely provides a basis for accepting the application and is neither an admission as to the genuineness and authenticity of the documents nor as to their sufficiency as proof of the matters for which they are submitted. It is understood that the waiting time set forth in the Immigration Manual begins to run only from the date the BSI receiving clerk certifies that the application is complete. However, even at any time after the documents have been submitted, a member of the BSI assigned to hear the case or any of the Commissioners or their authorized representative may request additional documents to substantiate, supplement or clarify any matter stated in the documents. The running of the waiting time is suspended for the period that a request for additional documents is not complied with;
 - c. The BSI receiving clerk shall assign a docket number to the applications and shall arrange the documents in the order indicated in the Immigration Manual. She shall request the Records Section to transmit the previous records of the applicant, if any, and shall attach the same to the pending application. The Records Section shall promptly comply with the request, or if there are no such records, promptly inform the BSI receiving clerk accordingly. The BSI receiving clerk shall then raffle the application among the three BSI or any other committee that may be authorized by the Commissioner to hear the application and shall calendar it for hearing in open court at the earliest available date and time. To the fullest extent possible, calendaring of the applications shall proceed on the basis of "first come first served", except in very exceptional case where the circumstances clearly warrant an accommodation of the application as certified by the Commissioner or the Associate Commissioners;
 - d. The BSI receiving clerk shall give the applicant at least three days notice of the scheduled hearing and shall

advise him to bring the original documents at least 30 minutes before the hearing for examination, comparison with the copies filed and marking before a member of the BSI assigned to hear the case and a member of the CID Law and Investigation. No postponement shall be granted. The BSI, shall exert all efforts to complete the hearing of an application within a period of 30 minutes to a maximum d one hour;

e. In order to meet the time limits provided in the preceding paragraph, an applicant or his lawyer shall be required to submit affidavits alleging facts that would show that all the substantive requirements for each application have been complied with and specifying the particular exhibit supporting each and every allegation. These affidavits shall dispense with the direct examination of the witnesses as well as the presentation of a formal offer of evidence.

The member of the CID Law and Investigation assigned to the case as well as any member of the BSI shall propound clarificatory questions to ensure full compliance with the requirements of the law and implementing instructions.

Upon request of the counsel of the applicant, and upon a showing of the necessity therefor, said counsel may be permitted to propound such other questions on points not adequately established.

Adopted: 8 Aug. 1988

(SGD.) REGINA PADILLA GERALDEZ
Associate Commissioner

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