

GUIDELINES ENUNCIATING PROCEDURES ON THE APPLICATION FOR THE PRE-ARRANGED EMPLOYMENT OF FOREIGN NATIONALS IN THE HOTEL/RESORT/RESTAURANT SECTORS

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To monitor effectively the implementation of the Revised Joint Circular among the Department of Tourism (DOT), Department of Labor and Employment (DOLE), and the Bureau of Immigration (BI) on the employment of foreign nationals in the hotel, resort and restaurant sectors, and to ensure compliance with the said circular, the following procedural steps on the application for pre-arranged employment of foreign nationals are hereby promulgated for the information, guidance and compliance of all concerned:

I

Application of Hotel/Resort/
Restaurant for Employment of Foreign
Nationals Shall be Filed with the
DOT by Submitting the Following
Documents in Triplicate

1. Letter-request from the petitioning company mentioning, among other information, the name, nationality, and the position of the foreign national;
2. Duly accomplished and notarized application forms of DOLE and BI;
3. Comprehensive curriculum vitae, which includes information on the applicant's educational background, work experience, and other data showing that he possesses technical skills in his trade or profession;
4. Certified copy of the Contract of Employment or Letter of Appointment which shall include the following:
 - Salary and position title;
 - The commencement and the expiration dates of the contract or Letter of Appointment;
 - The training of at least two (2) Filipino understudies to whom the applicant shall impart his specialized skills in accordance with the DOLE requirement;
 - Undertaking by the non-resident alien employee to comply with all the laws, rules and regulations of the Republic of the Philippines and to pay taxes due on his compensations; and
 - Prohibition on his engagement in any gainful employment other than that for which he was issued a permit.
5. A copy of the Understudy Training Program;
6. Duly accomplished Designation of Understudy Form with the Understudy Information sheets;
7. A certification under oath by the employer on the period required to effect transfer of technology as indicated in the Understudy Training Program;

[*]8. A List of foreign national employees with particular reference to the nationalities, positions, type of visa/status and the duration of their contracts as well as their respective understudies, if any;

[*]9. A copy of the SEC Registration/Articles of Incorporation and By-Laws for corporations or BTRCP Certificate of Registration and original application for single proprietorship;

[*]10. Latest Income Tax Return of the petitioner if engaged in business;

11. Xerox copy of the passport of the applicant;

12. Xerox copy of the Alien Employment Permit, if already issued;

13. Affidavit of support/guaranty for duration of employment;

14. If application is for visa as treaty trader investor, certification of Corporate Secretary as to the amount of investment and percentage of capital stock of the company owned by the foreign investor; and

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

II

Advice of Approval or Denial

DOT shall evaluate the aforecited documents submitted thereto and forward these documents with its comments/recommendations to DOLE. DOLE shall then evaluate the AEP application and Understudy Training Program proposal. Advice of approval or denial shall be transmitted to BI with a copy furnished the DOT. For favorable endorsed applications, BI shall advise applicant of its decision and shall provide both DOT and DOLE a copy each of the advice.

III

Understudy Training Program

1. The hotel/resort/restaurant concerned shall submit to the DOLE, copy furnished the DOT, semi-annual reports on the Understudy Training Program. The report shall contain, among other pertinent data, the following:

- Name of foreign national and his field of specialization as prescribed in the program;
- Names and addresses of at least two (2) Filipino understudies;
- Number of hours of actual training for such understudy and specific subject(s) concerned; and,
- Reasons why these Filipino understudies cannot yet take over the work of the foreign nationals, if such be the case.

2. A terminal report shall be submitted at the end of the training period to trace the movement of the understudies.

3. The Hotel and Restaurant Industry Board created pursuant to the provisions of Article 50 of the Labor Code shall evaluate the effectiveness of the Understudy Training Program on an annual basis.

IV

Change of Status

A foreign national who is entering the Philippines to seek employment may be admitted into the country initially as a temporary visitor and thereafter secure a change of status to a pre-arranged employee visa from the BI.

Change of status from some other admission categories to pre-arranged employee visa may be permitted by the BI in exceptional cases.

V

Special Work Permit

Upon request, a special work permit may be given by BI to the applicant upon receipt of a certification from DOT that he has submitted all the required documents. The said permit shall be issued for a fee of P300.00 and shall be valid for a period of three (3) months, renewable for a maximum period of another three (3) months.

VI

Extension/Renewals

All applications for extension/renewal shall be processed in accordance with the above procedures.

VII

Effectivity

These guidelines shall take effect immediately.

Adopted: 13 Jan. 1992

(SGD.) EVELYN B. PANTIG

Director

Office of Tourism Standards

(SGD.) CLIFFORD A. PARAGUA

Director

Bureau of Local Employment

(SGD.) LEONARDO C. AGUILAR, JR.

Associate Commissioner

Bureau of Immigration

[*] Note: To be submitted only once by the enterprise petitioner, unless there are any changes.

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