AMENDMENT TO MEMORANDUM CIRCULAR NO. AFF-04-021 (24 SEPTEMBER 2004)

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Whereas, Memorandum Circular (M.C.) No. AFF-04-021 (24 September 2004), Section 4 provides, among others, for a one year- proscription against re-admission for an alien religious worker (ARW), except: (i) Upon the filing of a bond or cash deposit and (ii) The period of re-admission shall not exceed one year;

Whereas, many legitimate ARW, who have been actively, directly and exclusively engaged in religious and charitable work, have been adversely affected by the preceding conditions imposed for their re-admission;

Whereas, public interest warrants the promulgation of procedures for legitimate ARW who have absolutely and exceptionally devoted their lives in the extraordinary pursuit of a religious and charitable vocation in the Philippines;

Whereas, the Commissioner of Immigration is vested with authority to address this concern by prescribing such supplemental procedures that are consistent with Commonwealth Act (C.A.) No. 613, as amended, under the principle of subordinate legislation;

Now, therefore, pursuant to Commonwealth Act No. 613, Section 3, as amended, in relation to Letter of Implementation No. 20 (1972), Section 15.1 (a) and (c) and Executive Order (E.O.) No. 292 (1987), Book III, Title I, Chapter 3, Section 10, this supplemental memorandum circular is hereby issued, to wit:

SECTION 1. Amendment to Section 4 - Section 4 of MC No. AFF-04-021 (24 September 2004) is hereby amended as follows:

> For purposes of this memorandum circular, temporary, non-immigrant (pre-arranged employment) visas for a maximum period of five years shall be issued/granted to ARW who are actually, directly and exclusively engaged in religious work in the Philippines. Thus, the visa shall be valid for an initial period of three (3) years. At the end of such three (3) year period, the ARW may be allowed a two (2) year extension, upon written request to and for meritorious reasons as determined by the BI Board of Commissioners.
>
> Consistent with C.A. No. 613, Section 9, paragraph (2), as amended, no further extension of the non-immigrant visa concerned shall be thereafter granted for a period of one (1) year. At the end of such one (1) year proscription, the ARW concerned may be temporarily re-admitted into the Philippines subject to a bond or cash deposit and such other conditions as may be imposed by the Commissioner of Immigration under C.A. No. 613, Section 40 (a) (1) and/or (c), as amended, as the case may be. However, in no case shall the period of stay of a temporarily re-admitted ARW exceed one (1) year.
>
> The provisions of the preceding paragraph may be waived by the Commissioner of Immigration, upon a determination that the religious congregation or organization of the ARW concerned submits substantive,

> convincing and categorical proof that he or she is absolutely and exceptionally engaged in the extraordinary pursuit of a religious and charitable vocation in the Philippines. However, such temporary re-admission of the alien as an ARW under this paragraph shall not exceed five (5) years.

SECTION 2. Additional Amendment to Section 4 - This provision shall be incorporated as Section 4, to wit:

> Upon the expiration of the period of readmission under the third paragraph of Section 4, the ARW concerned may, upon prior departure from the Philippines and subsequent application be issued at the nearest Philippine Post, if he or she is so qualified, an immigrant or a special non-immigrant visa in accordance with C.A. no. 613, Sections 13 or 47 [a] [2]. as amended, respectively.

This amendments shall take effect as of 24 September 2004.

Adopted: 16 Dec. 2004

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

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