GRANTING IMMIGRANT VISA UNDER SECTION 13 OF COMMONWEALTH ACT NO. 613, AS AMENDED, TO KOREAN NATIONALS IN THE PHILIPPINES

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Adopted: 07 April 2015
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WHEREAS, Section 13 of Commonwealth Act No. 613, as amended, grants Permanent Resident Visa (PRV) to foreign nationals who have familial ties to Philippine citizens, have viable business investments in the country, and/or possess the qualifications, skill, scientific, education or technical knowledge benefiting the national interest of the Philippines;

WHEREAS, Section 13 admits of no more than fifty (50) immigrants of any one nationality for any one calendar year into the country, identified as “quota immigrants”;

WHEREAS, based on the official communication by the Korean Ambassador to the Philippines on 21 January 2007 concerning the laws and regulations of the Republic of Korea on the issuance of permanent resident visas to Filipino citizens, the BI issued a Memorandum Order No. MCL-08-003 on 29 January 2008 providing Permanent Resident Visa (PRV) under Section 13 of Commonwealth Act No. 613, as amended, to Korean nationals in the Philippines who (a) has investment in the Philippines; (b) is married to a Filipino citizen; (c) is married to a permanent resident alien; or (d) is the son or daughter of a permanent resident alien parent;

WHEREAS, pursuant thereto, Memorandum Circular No. MCL-08-003 was issued prescribing the implementing guidelines in the grant of PRV for Korean nationals and was thereafter amended by Memorandum Order No. MCL-08-013;

WHEREAS, in order for the Bureau of Immigration (BI) to lawfully grant an immigrant visa or PRV to a foreign national, there must be an existing reciprocity agreement between the Republic of the Philippines and the respective foreign country or a law in such foreign country granting the same privilege to the Philippine citizens duly confirmed by the Department of Foreign Affairs (DFA);

WHEREAS, in a letter dated 01 September 2014, the DFA officially confirmed, per report submitted by the Philippine Embassy in Seoul, South Korea, that the Korean Government grants permanent residence status to Filipino nationals;

WHEREAS, the same letter states the “(A)part from having familial ties with Korean citizens (either as spouse, children or descendant), Filipinos may apply for long-term residency visa (F-2) or permanent residency (F-5) on the grounds of being a high value investor or possesses skills in specified fields” or “become a Korean national upon being granted the permission for naturalization” through general naturalization, simple naturalization of special naturalization;

WHEREAS, to keep consistent with the requirements of the law and adherence to the principle of reciprocity, there is a need to repeal Memorandum Order No. MCL-08-003 and the implementing guidelines issued therefore and modify the conditions by which Korean nationals in the Philippines may be granted PRV;

WHEREFORE, pursuant to Section 3 of Commonwealth Act No. 613, as amended, and in order to effectively manage the effects that the continued effectivity and implementation of Memorandum Order No. MCL-08-003 may set as a precedent, the following are hereby ordered:

Section 1. Grant of Immigrant Visa. – Upon proper application, proof of qualification and payment of prescribed fees, the Bureau of Immigration may grant:

a)

A quota immigrant visa under Section 13 of Commonwealth Act No. 613, as amended, to a Korean national who has investments in the Philippines or possesses special qualifications; and

b)

A non-quota immigrant visa under Section 13(a) of the same Act, to a Korean national who is legally married to a Filipino citizen and their unmarried children under 21 years of age, if accompanying or following to join such citizen.

Section 2. Repeal of Memorandum Order No. MCL-08-003. – Memorandum Order No. MCL-08-003 entitled "Providing Permanent Residence Visa to Koreans in the Philippines" issued on 29 January 2008 is hereby repealed upon effectivity of this Circular.

Section 3. Termination of PRVs Issued Under Memorandum Order No. MCL-08-003. – Valid PRVs issued under Memorandum Order No. MCL-08-003 shall be terminated after two (2) years from the effectivity of this Circular unless sooner cancelled for other cause/s.

Section 4. Adjustment of Immigration Status. – Holders of Valid PRVs under Memorandum Order No MCL-08-003 who are qualified to obtain immigrant visas under Section 1 of this Circular and wish to maintain their permanent resident status must adjust their immigration status under Section 13 of Commonwealth Act No. 613, as amended, or, if not qualified, to other appropriate visa category within the two (2)-year timeframe without need to downgrade to temporary visitor's visa.

Section 5. Repealing Clause. – All circulars, orders, directives and other issuances inconsistent herewith are hereby repealed and/or modified accordingly.

Section 6. Effectivity. – This Circular shall take effect after fifteen (15) days from publication in a newspaper of general circulation.

Furnish a copy of this Circular to the Department of Foreign Affairs (DFA), Pasay City, and the Office of the National Administrative Register (ONAR), U.P. Law Center, University of the Philippines, Diliman, Quezon City.

07 April 2015

(SGD) SIEGFRED B. MISON
Commissioner

APPROVED:

(SGD) HON. LEILA M. DE LIMA
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