



OPERATIONS ORDER NO. JHM-2021-004

**VISA ISSUANCE FOR FOREIGN WORKERS
UNDER IATF RESOLUTION NO. 131-A**

WHEREAS, Joint Memorandum Circular No. 001, Series of 2019 (JMC No. 001, s. 2019) between the DOJ, DFA, DOLE, BI, NICA, DOF, DENR, PRC and BIR, issued the rules and procedures governing foreign nationals intending to work in the Philippines.

WHEREAS, on 05 August 2021, the IATF issued Resolution No. 131-A, providing the guidelines for visa issuance of foreign nationals who intend to come to the Philippines to engage in (a) long-term employment (more than six months) with a Philippine-based employer, and (b) employment in connection with foreign-funded government projects such as those in transportation and infrastructure.

WHEREAS, President Rodrigo Roa Duterte issued (1) Proclamation No. 929, series of 2020, declaring a state of public health emergency throughout the Philippines and (2) Proclamation No. 1021, series of 2020, extending the period of the state of calamity throughout the Philippines due to Corona Virus Disease.

WHEREAS, there is a need to streamline the process in the issuance of the visa for the effective and efficient implementation by the concerned BI offices to aid the National Government in its efforts to combat the Covid-19 pandemic.

NOW, THEREFORE, premises considered, and pursuant to the rule-making power of the Commissioner under Section 3 of Commonwealth Act No. 613, as amended, the following rules shall govern the C.A. 613 Section 9(g) Visa Issuance under IATF Resolution No. 131-A:

Section 1. Coverage. – The CA 613, Section 9(g) Visa issued by the BI pursuant to IATF Resolution No.131-A shall exclusively apply to foreign workers deemed qualified/essential thru DOLE issued Alien Employment Permit (AEP) or Certificate of Exclusion/Exemption (COE). It shall cover the applicant as the principal and his dependents (i.e. spouse and unmarried children less than 21 years of age).

Section 2. Definition of 9(g) visa under IATF Resolution No.131-A. – The 9(g) (Commercial) work visa issued pursuant to IATF Resolution No. 131-A refers to a visa that is applied for and processed in the Philippines by the Philippine-based employer despite the absence in the country of the applicant foreign national.

The Philippine-based employer, as the petitioner, applies with the Bureau of Immigration a CA 613, Sec. 9(g) Commercial (Work) Visa. Upon approval of the visa by the Board of Commissioners, the Order granting the visa shall be forwarded to the DFA-Office of Consular Affairs for onward transmittal to and issuance of visa by the FSPs.

FSP issued CA 613, Section 9(g) visa shall be valid for 90 days from date of issuance and for entry purposes only. These visas are subject to registration and implementation at the Bureau of Immigration upon arrival in the country.

Section 3. Application of CA 613, Sec. 9(g) Commercial (Work) Visa – CA 613, Sec. 9(g) Commercial (Work) Visa may be applied by a foreign national either (a) Upon arrival in Philippines or (2) While abroad, thru CA 613, Sec. 9(g) visa under IATF Resolution No. 131-A.

Section 4. Requirements. – The following documents shall be submitted by the applicants. (All foreign documents must be apostilled and/or authenticated by the Philippine Foreign Service Post (FSP) which has jurisdiction over the place of issuance, or by the DFA if said document is issued by the local embassy in the Philippines, with English translation if written in other foreign language).

A. Principal

1. Joint letter-request addressed to the Commissioner from the applicant and the petitioner company. The letter must specifically state:(a) that all documents are genuine; (b) the specific Foreign Service Posts (FSPs) where said visa is to be forwarded; (c) specific BI office to implement approved visa;
2. Duly accomplished Consolidated General Application Form (CGAF) in 2 copies;
3. Photocopy of passport bio-page;
4. Photocopy of Employment Contract, Secretary's Certificate of Election, Appointment or Assignment of applicant; with details of exact compensation, duration of employment and description of the nature and scope of the applicant's position in the company;
5. Photocopy of Alien Employment Permit (AEP) issued by the Department of Labor and Employment (DOLE) or Certificate of Exclusion/Exemption (COE) and actual publication of the approved AEP or Certificate of Publication issued by the Publisher;
6. Notarized certification of number of foreign and Filipino employees from the petitioning company (format can be downloaded from the BI website)
7. Special Temporary Permit for an applicant practicing a regulated profession under the Professional Regulation Commission (PRC), if applicable;
8. Photocopy of Taxpayer's Identification Number (TIN) card or proof of TIN (e.g. BIR Forms 1901, 1902, 1904, AEP with TIN), if applicable;
9. Original or certified true copy of BOQ Medical clearance under Operations Order No.SBM-14-059-A;
10. BI Clearance Certificate (Issued by BI upon payment of fees)

B. Petitioner

1. Latest Income Tax Return with proof of tax payment or BIR Certificate of Registration for newly-registered corporation/company;
2. For Corporations or Partnerships, photocopies of the following:
 - Securities and Exchange Commission (SEC) Certificate of Registration
 - Articles of Incorporation
 - General Information Sheet for the current year, stamped received by SEC
3. For Single Proprietorships, photocopies of the following - DTI Certificate Registration of Business Name;
4. Mayor's Permit

C. Dependents (one for each applicant-dependent)

1. Duly accomplished Consolidated General Application Form (CGAF)
2. Photocopy of passport biographical page
3. Proof of filiation with the principal
4. BI Clearance Certificate

D. Registration

1. Duly accomplished application form (CGAF)
2. Photocopy of passport biographical page
3. Photocopy of the AEP
4. Photocopy of applicant's TIN
5. Photocopy of the official receipt for 9g visa
6. Must state where the foreign national intends to undergo registration (for ACR I-Card purposes)

Section 5. Procedure, Responsibility and Processing periods of various BI offices. – Philippine-based employer/petitioner or its authorized representative may apply for a CA 613, Sec. 9(g) Commercial (Work) Visa.

- a. **Public Information Assistance Unit (PIAU)** – through designated evaluators,¹ shall, **within the day**, review and evaluate all documents for submission by the Petitioner or its authorized representative and shall only affix their signature on the Certification portion if all documentary requirements are complete.
- b. **Central Receiving Unit (CRU)** – shall immediately assess the fees and after payment at the cashier shall, **within the day or the next succeeding day**, encode and attach barcode and transmit the visa application to the Visa Task Force of the Legal Division (LD) and the ACR I-Card application to the Alien Registration Division (ARD).

¹ Evaluators of the Legal Division and Alien Registration Division

- c. **Visa Task Force (VTF)** – Upon receipt from the CRU shall, **within the day**, raffle the visa applications under IATF Resolution No. 131-A application to various Hearing Officers.
- d. **Hearing Officers (HO)** – Upon receipt of the application shall, **within five (5) working days**, evaluate the visa application. All incomplete applications shall be dismissed.
- e. **Chief, Legal Division (LD)** – Upon receipt of the application, shall **within three (3) working days**, recommend to the Board of Commissioner (BOC) for the approval or disapproval of the visa application.
- f. **Office of the Board Secretary (OBS)** – Upon receipt of the visa applications from the Chief, LD shall, **within the next scheduled BOC agenda**, include all visa applications under IATF Resolution No. 131-A. Upon action by the BOC, the OBS shall furnish copies of the: 1) Approved 9(g) visa Order; 2) Passport Biographical page of the applicant; 3) Endorsement letter to DFA-OCA, which must specifically state the Foreign Service Posts where said visa will be forwarded via electronic means to; (a) Alien Registration Division (ARD); (b) Immigration Regulation Division (IRD); (c) Port Operations Division (POD); and (d) DFA-OCA.

The OBS will prepare endorsement to DFA-OCA for signature of the Commissioner. The OCOM shall return to the OBS signed endorsements for transmittal to DFA-OCA.

- g. **Alien Registration Division (ARD)** – Upon receipt of the ACR I-Card application, shall immediately encode and review and, within **five (5) working days**, notify the petitioning company in case of lacking registration documents and/or cancellation of previously issued ACR I-Card. Upon appearance and presentation of passport by the visa holder, it shall capture the photo and biometrics of the foreign national and shall, within **three (3) working days**, issue the ACR I-Card.

ARD shall transmit the list of visa holders for biometric capturing via official email within, within **three (3) working days**, to the authorized District or Field Offices as indicated in the letter request submitted by petitioning company.

- h. **IRD/Alien Control Officer (ACO)** – Authorized District or Field Offices upon receipt of the Order approving the visa application or the ACR I-Card application from the OBS and ARD, and upon appearance of the visa holder, shall capture the photo and biometric of the foreign national and implement the approved visa.
- i. **Port Operations Division (POD)** – Immigrations Officers at ports of entry are to conduct the usual strict arrival formalities on all foreign nationals arriving with CA 613, Sec. 9(g) Commercial (work) visa under IATF Resolution No. 131-A and shall indicate in the arrival stamp "9g-131-A".
- j. **Management and Information System Division (MISD)** – Shall create an item in the VIMS for CA 613, Sec. 9(g) Commercial (work) visa under IATF Resolution No. 131-A to allow the collection of correct fees and in the Border Control Information System for visa admission category. It shall likewise devise a system that will collect data on these visa holders for monitoring purposes.

- k. **Verification and Compliance Division (VCD)** – Shall examine and verify approved visa applications under Resolution No. IATF 131-A and recommend cancellation of visa to the LD, if documents are found to be fraudulent or if there is willful misrepresentation of facts in the application.

Section 6. Processing and Approval of visa application. – The Bureau shall process and approve CA 613, Sec. 9(g) Commercial (work) visa under IATF Resolution No. 131-A within twenty-one (21) working days from the date of submission of a complete application.

Section 7. Registration and Implementation of Visa. – All foreign workers granted this visa shall report to the Bureau of Immigration within seven (7) working days from release from quarantine/isolation facility as required by the IATF or from issuance of BOQ stamp, as the case may be, for: (a) Photo and Biometric capturing and (b) Implementation of their visas.

Failure to report within seven (7) working days but not to exceed sixty (60) days shall cause the non-implementation of the visa and/or registration, unless the applicant files for a reconsideration stating meritorious grounds. Applicants who fail to appear during the sixty (60) day period shall cause the cancellation and downgrading of the visa.

Section 8. Jurisdiction. – Only the BI Main office shall be authorized to process CA 613, Sec. 9(g) Commercial (work) visa under IATF Resolution No. 131-A. However, registration (i.e. photo and biometric capturing) and implementation of the approved visa maybe done at any authorized District or Field Offices.

Section 9. Fees. – The following fees shall be assessed and paid upon filing of the application: 1) Visa Application fee; 2) Implementation fee; 3) ACR I-Card fee; and 4) Service and Express lane fees.

Section 10. Repealing Clause.--All circulars, memoranda, orders and other issuances inconsistent with this Order are hereby repealed, amended or modified accordingly.

Section 11. Effectivity Clause.--This Operations Order shall take effect immediately upon signing hereof and shall remain in force and effect for the duration of the public health emergency, unless sooner amended or revoked accordingly.

Let a copy of this Order be furnished to the Office of the National Administrative Register (ONAR), U.P. Law Center, University of the Philippines, Diliman, Quezon City.

City of Manila, Philippines.

16 AUG 2021

Original document signed.

JAIME H. MORENTE
Commissioner